

Representative Hall, Atlanta, Georgia**Thursday, February 23, 2006**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

E Abdul-Salaam	Cummings	Howard, E	McCall	Scheid
Amerson	Day	Hudson	E McClinton	Scott, M
Barnard	Dickson	Hugley	Meadows	Setzler
E Barnes	Dodson	Jackson	E Millar	Shaw
Bearden	Drenner	James	Mills	Sheldon
Benton	Ehrhart	Jamieson	Morgan	Sims, C
Black	England	Jenkins	Morris	Sims, F
Bordeaux	Everson	Jennings	Mosley	Smith, B
Bridges	Fleming	Johnson	Mumford	Smith, L
Brooks	Floyd, H	Jones, J	Murphy, J	Smith, P
Bruce	Floyd, J	Jones, S	Murphy, Q	Smith, R
Bryant	Fludd	Keown	Neal	Smith, T
Buckner, D	Forster	Kidd	O'Neal	Smith, V
Burkhalter	Franklin	Knox	Orrock	Stephens
Burmeister	Freeman	Lakly	Parrish	Talton
Burns	Gardner	Lane, B	Parsons	Teilhet
Butler	Geisinger	Lane, R	Porter	Thomas, B
Byrd	Graves, D	Lewis	Ralston	Warren
Carter	Graves, T	Lord	E Reece, B	Watson
Casas	Greene	Lunsford	Reece, S	Wilkinson
Chambers	Heard, J	Maddox	Reese	Willard
Channell	Heard, K	Mangham	Rice	Williams, A
Cheokas	Hembree	E Manning	Roberts	Williams, E
Cole	E Henson	Martin	E Rogers	Williams, R
Coleman, B	Hill, C	Maxwell	Royal	Yates
Cox	Holt	May	Rynders	Richardson,
Crawford	Horne			Speaker

The following members were off the floor of the House when the roll was called:

Representatives Anderson of the 123rd, Beasley-Teague of the 65th, Benfield of the 85th, Borders of the 175th, Brown of the 69th, Buckner of the 76th, Coleman of the 144th, Cooper of the 41st, Davis of the 109th, Dean of the 59th, Dollar of the 45th, Dukes of the 150th, Epps of the 128th, Golick of the 34th, Hanner of the 148th, Harbin of the 118th, Hatfield of the 177th, Hill of the 180th, Holmes of the 61st, Houston of the 170th, Jordan of the 77th, Keen of the 179th, Knight of the 126th, Lindsey of the 54th, Loudermilk of the 14th, Lucas of the 139th, Marin of the 96th, Mitchell of the 88th, Mosby of the 90th, Parham of the 141st, Powell of the 29th, Randall of the 138th, Ray of the 136th, Sailor of the 93rd, Scott of the 153rd, Smyre of the 132nd, Stanley-Turner of

the 53rd, Stephenson of the 92nd, Thomas of the 55th, Walker of the 107th, and Wix of the 33rd.

They wish to be recorded as present.

Prayer was offered by the Reverend Nelle McCorkle Bordeaux, Savannah, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1424. By Representatives Smith of the 168th, Williams of the 165th, Hatfield of the 177th, Sims of the 169th, Roberts of the 154th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to wildlife generally, so as to change certain provisions relating to hunting with dogs generally; to change certain provisions relating to killing of dogs running deer; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

HB 1425. By Representatives Porter of the 143rd, Hugley of the 133rd, Smyre of the 132nd, Randall of the 138th, Orrock of the 58th and others:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, and Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, so as to change provisions relating to the health insurance plans for public school teachers, public school employees, and state employees; to provide that certain features of such plans shall not be changed without prior legislative approval; to provide for other matters related to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1426. By Representative Mills of the 25th:

A BILL to be entitled an Act to amend Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to the excise tax on the furnishing for value to the public of any rooms, lodgings, or accommodations, so as to provide for procedures, conditions, and limitations regarding the enforcement and collection of such tax; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1427. By Representatives May of the 111th, Manning of the 32nd, Burmeister of the 119th, Walker of the 107th, Fleming of the 117th and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to child custody proceedings, so as to provide for the creation, authorization, procedure, revocation, and termination of a power of attorney from a parent to a grandparent for the care of a grandchild; to provide for short titles; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1428. By Representatives Meadows of the 5th and Graves of the 12th:

A BILL to be entitled an Act to provide for homestead exemptions from City of Calhoun independent school district ad valorem taxes for educational purposes in the amount of \$40,000.00 of the assessed value of the homestead for residents of that school district who are at least 65 but less than 70 years of age and in the amount of \$100,000.00 of the assessed value of the homestead for residents of that school district who are 70 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1429. By Representatives Graves of the 12th and Meadows of the 5th:

A BILL to be entitled an Act to provide for homestead exemptions from Gordon County school district ad valorem taxes for educational purposes in the amount of \$40,000.00 of the assessed value of the homestead for residents of that school district who are at least 65 but less than 70 years of age and in the amount of \$100,000.00 of the assessed value of the homestead for residents of that school district who are 70 years of age or older; to provide for definitions; to specify the terms and conditions of the exemptions and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1430. By Representatives Warren of the 122nd, Porter of the 143rd, Jenkins of the 8th, Wix of the 33rd, Teilhet of the 40th and others:

A BILL to be entitled an Act to amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment of indemnification for death or disability generally, beneficiary, designation of method of payment, and procedure for making of payments, so as to increase the indemnification to state highway employees killed or disabled on the job; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

HB 1431. By Representative Lunsford of the 110th:

A BILL to be entitled an Act to amend Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to public defenders, so as to provide for the responsibilities of city, county, and consolidated governments to appropriate funds; to provide for penalties where a public defender fails to provide representation; to change certain provisions relating to public defenders; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1432. By Representatives Scheid of the 22nd, Hill of the 21st, Byrd of the 20th and Murphy of the 23rd:

A BILL to be entitled an Act to amend an Act to re-create and reincorporate the City of Woodstock, approved April 17, 1975 (Ga. L. 1975, p. 4160), as amended, so as to provide that it shall require the affirmative votes of five councilmembers to approve the exercise of the power of eminent domain in the city limits; to provide for a quorum; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1433. By Representatives Smith of the 131st, Manning of the 32nd, Lane of the 167th and Drenner of the 86th:

A BILL to be entitled an Act to amend Title 12 of the O.C.G.A., relating to conservation and natural resources, so as to provide that certain persons are not aggrieved or affected by an order or action of the director of the Board of Natural Resources; to provide a statement of legislative intent; to amend provisions relating to the powers and duties of the Environmental Protection Division of the Department of Natural Resources relative to rules and regulations related to releases of hazardous waste, hazardous constituents, and hazardous substances; to amend provisions relative to the powers and duties of the director of the Environmental Protection Division of the Department of Natural Resources; to provide changes to the determination of corrective actions; to provide that certain persons shall not be considered to have contributed to a spill or release of hazardous substances; to provide exceptions for liability for such releases; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 1434. By Representative Mills of the 25th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Flowery Branch, approved April 11, 1979 (Ga. L. 1979, p. 3404), as amended, particularly by an ordinance filed with the Secretary of State on February 17, 2005 (Ga. L. 2005, p. 4274), so as to change the powers and duties of the mayor; to provide for a city manager; to provide for the appointment of a city clerk; to provide for the appointment of a city attorney; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1435. By Representatives Burmeister of the 119th, Brown of the 69th, Lunsford of the 110th and Walker of the 107th:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to add certain definitions; to authorize an attendant care giver to provide assistance in voting an absentee ballot; to provide for the manner of assistance in voting for persons with disabilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1436. By Representatives Smith of the 113th, Ehrhart of the 36th, Chambers of the 81st, Drenner of the 86th, Burkhalter of the 50th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 3 of the O.C.G.A., relating to general provisions relative to wine, so as to authorize restaurant patrons to remove for off-premises consumption a resealed partially consumed bottle of wine that was purchased with a full-course meal; to provide for a definition of the term full-course meal; to amend Article 11 of Chapter 6 of Title 40 of the O.C.G.A., relating to miscellaneous provisions of the uniform rules of the road, so as to provide that a resealed partially consumed bottle of wine that was purchased with a full-course meal is not an open alcoholic beverage container for purposes of the prohibition against possessing an open container of alcohol in the passenger area of a motor vehicle; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1437. By Representatives Smith of the 131st, Meadows of the 5th and Murphy of the 120th:

A BILL to be entitled an Act to amend Code Section 33-1-2 of the Official Code of Georgia Annotated, relating to definitions affecting insurance generally, so as to provide a definition of an actual charge; to provide for legislative intent and declarations; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 1438. By Representatives Reese of the 98th, Coan of the 101st, Smith of the 131st, Williams of the 165th, Drenner of the 86th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 46 of the O.C.G.A., relating to generation and distribution of electricity generally, so as to promote the development of renewable energy in Georgia through the implementation of a renewable energy portfolio standard for use of renewable energy by certain electric utilities; to provide for legislative intent and purpose; to provide for short title; to provide definitions; to provide for standard goals; to provide for standard portfolio goals to be met through energy produced in Georgia or renewable energy certificates; to provide for reports; to provide for the adoption of rules for implementation; to establish the Renewable Energy Board; to impose an implementation fee to recover the costs of administering the portfolio standard goals; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

HB 1439. By Representatives Franklin of the 43rd, Ralston of the 7th, Bearden of the 68th, Byrd of the 20th, Knox of the 24th and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to provide for the crime of unlawful confiscation of legally owned and carried firearms; to amend Code Section 38-3-51 of the Official Code of Georgia Annotated, relating to the emergency powers of the Governor, so as to limit the Governor's emergency powers with respect to firearms; to provide for criminal penalties; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1440. By Representatives Mosby of the 90th, Fludd of the 66th, Sinkfield of the 60th, Bruce of the 64th, Stephenson of the 92nd and others:

A BILL to be entitled an Act to amend Code Section 46-5-183 of the Official Code of Georgia Annotated, relating to procedures for confirmation of changes in selection of a primary local exchange or long distance carrier generated by telemarketing, so as to provide that a local exchange company shall not accept a telecommunications company's submission of a customer's change order without certain confirmation; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

HB 1441. By Representatives Sinkfield of the 60th, Manning of the 32nd, Ashe of the 56th, Smith of the 70th, Orrock of the 58th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for income exclusions and tax credits with respect to individual development accounts; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the state revenue commissioner and the commissioner of community affairs with respect to the foregoing; to amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Community Affairs, so as to provide for the comprehensive regulation of individual development accounts and programs; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1442. By Representatives Sinkfield of the 60th, Lucas of the 139th, Stephenson of the 92nd, Ashe of the 56th, Jamieson of the 28th and others:

A BILL to be entitled an Act to amend Code Section 46-4-160 of the Official Code of Georgia Annotated, relating to the authority of the Public Service Commission regarding certificated marketers, access to books and records, investigations and hearings, price summary, billing, violations, and slamming, so as to provide for a specific period of time from the mailing or posting of a bill for natural gas before the application of late fees or penalties on a consumer; to change the maximum late fee; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

- HB 1443. By Representatives Franklin of the 43rd, Everson of the 106th, Hudson of the 124th, Cheokas of the 134th, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to designate Georgia red clay as Georgia's official dirt; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Special Rules.

- HB 1444. By Representatives Maxwell of the 17th, Knox of the 24th, Meadows of the 5th, Forster of the 3rd and Lunsford of the 110th:

A BILL to be entitled an Act to amend an Act approved May 2, 2005 (Ga. L. 2005, p. 563), so as to revise the applicability of certain sections of such Act to apply to insolvencies occurring on and after the effective date of the Act; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

- HR 1491. By Representative Sims of the 169th:

A RESOLUTION commemorating the achievements and sacrifice made by Private James Boggan and renaming the Bear Creek Bridge on Highway 32 West in Ambrose, Georgia, the Private James Boggan Memorial Bridge; and for other purposes.

Referred to the Committee on Transportation.

- HR 1492. By Representatives Buckner of the 76th, Greene of the 149th, Parham of the 141st, Barnard of the 166th and Hudson of the 124th:

A RESOLUTION creating the House Study Committee on State Parole and Probation Officer Salaries and Benefits; and for other purposes.

Referred to the Committee on State Institutions & Property.

- HR 1493. By Representatives Byrd of the 20th, Franklin of the 43rd, Johnson of the 37th, Lindsey of the 54th, Keown of the 173rd and others:

A RESOLUTION remembering the Constitution of the United States of America and designating September 17, 2006, as Constitution Day and Citizenship Day in Georgia; and for other purposes.

Referred to the Committee on Special Rules.

By unanimous consent, the rules were suspended in order that the following Bills and Resolutions of the House could be introduced, read the first time and referred to the Committees:

HB 1445. By Representatives Mills of the 25th, Stephens of the 164th, Keen of the 179th, Burmeister of the 119th, Coan of the 101st and others:

A BILL to be entitled an Act to amend Code Section 16-12-142 of the Official Code of Georgia Annotated, relating to requiring medical facilities or physicians to perform abortions and requiring others to assist, so as to provide that a pharmacist who states in writing an objection to any abortion shall not be required to fill a prescription for a drug if the pharmacist believes the drug would have the effect or possible effect of terminating a pregnancy; to provide that such refusal shall not be the basis for any claim for damages; to provide for the duration of the effectiveness of the written objection; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 1451. By Representatives Sheldon of the 105th, Knox of the 24th, Walker of the 107th, Byrd of the 20th, Channell of the 116th and others:

A BILL to be entitled an Act to amend Article 7A of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to the Long-term Care Partnership Program, so as to revise certain definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Human Relations & Aging.

HB 1452. By Representatives Loudermilk of the 14th, Lewis of the 15th, Lunsford of the 110th, Scott of the 2nd and May of the 111th:

A BILL to be entitled an Act to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding property tax exemptions, so as to change the definition of the term "applicant"; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 1454. By Representatives Benfield of the 85th, Crawford of the 127th and Harbin of the 118th:

A BILL to be entitled an Act to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes, so as to provide that Georgia taxable net income of an individual taxpayer shall not include certain compensation for wrongful conviction; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 1455. By Representatives Meadows of the 5th, Smith of the 131st, Harbin of the 118th, Forster of the 3rd, Holt of the 112th and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes, so as to provide that Georgia taxable net income of an individual taxpayer shall not include certain unreimbursed medical expenses; to provide for a definition; to provide for conditions and limitations; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 1456. By Representatives Meadows of the 5th, Maxwell of the 17th, Smith of the 131st, Forster of the 3rd, Holt of the 112th and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide availability of an accident and sickness policy upon termination of dependent coverage based on the age of the dependent; to change requirements as to individual accident and sickness policies to insure certain dependent children of the insured up to and including age 25; to provide an exception for certain matters concerning renewability of individual accident and sickness policies; to provide for the Commissioner to promulgate rules and regulations; to require that certain group accident and sickness insurance policies insure certain dependent children of the insured up to and including age 25; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

- HB 1458. By Representatives Porter of the 143rd, Hugley of the 133rd, Smyre of the 132nd and Ashe of the 56th:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to eliminate the uniform reporting system based on a 4.0 scale that was to be effective on May 1, 2007; to provide that the current uniform reporting system based on a numeric average shall continue in effect; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 1459. By Representatives Brown of the 69th, Ehrhart of the 36th and Smith of the 113th:

A BILL to be entitled an Act to amend Chapter 5A of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Community Health, so as to provide that certain prescription drugs and other health care products sold by Georgia biotechnology, biopharmaceutical, or pharmaceutical companies shall not be subject to certain access restrictions or supplemental rebates for purposes of coverage under the state health benefit plan, medical assistance program, PeachCare for Kids, or any other health benefit plan or policy administered by or on behalf of the state; to define certain terms; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

HB 1460. By Representatives Hill of the 180th, Lane of the 158th, Parrish of the 156th, Warren of the 122nd and Reese of the 98th:

A BILL to be entitled an Act to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to extensively revise various provisions relative to shrimp and shrimping; to change certain provisions relating to definitions relative to game and fish generally; to repeal certain provisions relating to size and construction requirements of cast nets; to change certain provisions relating to lawful methods of fishing generally; to change certain provisions relating to lawful gear generally; to change certain provisions relating to required records; to change certain provisions relating to taking of shrimp for noncommercial purposes generally; to change certain provisions relating to limit on amount of shrimp taken by cast net and penalty for violation; to change certain provisions relating to lawful nets; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Game, Fish, & Parks.

- HB 1461. By Representatives Lindsey of the 54th, Ralston of the 7th, Willard of the 49th, Mumford of the 95th, Lane of the 167th and others:

A BILL to be entitled an Act to amend Article 8 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to provisional and final remedies and special proceedings under the "Georgia Civil Practice Act," so as to change provisions related to offers of judgment; to provide for definitions; to provide for time frames for offers of settlement; to provide for service of offers of settlement; to provide for counteroffers; to provide for attorney's fees and expenses of litigation; to provide for procedure concerning offers of settlement; to provide for automatic rejection of an offer of settlement; to provide for factors to be considered in not awarding attorney's fees and expenses of litigation to a prevailing party; to provide for related matters; to provide for a savings clause; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- HB 1462. By Representatives Geisinger of the 48th, Lindsey of the 54th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties and municipal corporations, so as to provide for legislative findings; to provide for the transferability of certificates of public necessity and convenience and medallions for taxicabs; to provide for certain uses of such certificates and medallions with regard to loans; to provide certain procedures that must be met before increasing the number of such certificates and medallions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

- HB 1463. By Representatives Warren of the 122nd and Jenkins of the 8th:

A BILL to be entitled an Act to amend Part 2 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to deer, so as to prohibit confinement of white-tailed deer except under certain circumstances; to prohibit hunting or the selling, leasing, or providing of hunting opportunities for any confined white-tailed deer except under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Game, Fish, & Parks.

HR 1535. By Representative Scott of the 153rd:

A RESOLUTION creating the State Health Benefit Plan Design Team; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 1548. By Representatives Rynders of the 152nd and Hanner of the 148th:

A RESOLUTION commemorating the accomplishments of Mrs. Ida Chambers and dedicating Chambers Crossing; and for other purposes.

Referred to the Committee on Transportation.

HR 1549. By Representative Drenner of the 86th:

A RESOLUTION creating the House Environmental Regulation Impact Study Committee; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HR 1550. By Representatives Buckner of the 76th, Parham of the 141st, Porter of the 143rd, Randall of the 138th, Lucas of the 139th and others:

A RESOLUTION creating the House Study Committee on State Employee Salaries and Benefits; and for other purposes.

Referred to the Committee on Appropriations.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 1410	HB 1422
HB 1411	HB 1423
HB 1412	HR 1461
HB 1414	HR 1462
HB 1415	HR 1464
HB 1416	HR 1485
HB 1417	HR 1487
HB 1418	HR 1488
HB 1419	SB 501
HB 1420	SR 760
HB 1421	SR 823

Representative Coan of the 101st District, Chairman of the Committee on Industrial Relations, submitted the following report:

Mr. Speaker:

Your Committee on Industrial Relations has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1326 Do Pass, by Substitute

Respectfully submitted,
/s/ Coan of the 101st
Chairman

Representative Knox of the 24th District, Chairman of the Committee on Insurance, submitted the following report:

Mr. Speaker:

Your Committee on Insurance has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1257 Do Pass, by Substitute
HB 1359 Do Pass, by Substitute

Respectfully submitted,
/s/ Knox of the 24th
Chairman

Representative Ralston of the 7th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1162	Do Pass, by Substitute	HB 1259	Do Pass, by Substitute
HB 1209	Do Pass, by Substitute	HB 1288	Do Pass
HB 1234	Do Pass		

Respectfully submitted,
/s/ Ralston of the 7th
Chairman

Representative Day of the 163rd District, Chairman of the Committee on Public Safety, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety has had under consideration the following Bills and Resolution of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HB 465	Do Pass, by Substitute
HR 1396	Do Pass, by Substitute
SB 381	Do Pass, by Substitute

Respectfully submitted,
/s/ Day of the 163rd
Chairman

Representative Williams of the 4th District, Chairman of the Committee on Regulated Industries, submitted the following report:

Mr. Speaker:

Your Committee on Regulated Industries has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 801	Do Pass, by Substitute
HB 1168	Do Pass

Respectfully submitted,
/s/ Williams of the 4th
Chairman

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 1199	Do Pass
HR 1465	Do Pass

Representative Amerson of the 9th District, Chairman of the Committee on Science & Technology, submitted the following report:

Mr. Speaker:

Your Committee on Science & Technology has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1307 Do Pass

Respectfully submitted,
/s/ Amerson of the 9th
Chairman

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs - Local Legislation has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1366 Do Pass, by Substitute

Respectfully submitted,
/s/ Smith of the 168th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
THURSDAY, FEBRUARY 23, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 23rd Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 363	Motor vehicles; state vehicles; license plates; requirements
HB 1023	Marriage contract; age of majority; provisions
HB 1145	Juvenile proceedings; mental health; change provisions
HB 1170	Cosmetologists; examination fees; change certain provisions
HB 1195	Civil case; complaints and judgments; change provisions
HB 1250	Probation Management Act of 2004; change repeal date
HB 1292	Prison chaplains appreciation day; create
HR 1081	Joint Higher Education Finance and Formula Study Committee; create
HR 1259	Chatham, Coweta, Douglas, Grady, and Muscogee counties; easements; authorize

Modified Open Rule

None

Modified Structured Rule

HB 935 Advanced practice registered nurse; controlled substances; provisions

Structured Rule

None

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

By unanimous consent, the following Bill of the House was taken up for consideration and read the third time:

HB 1366. By Representative Hanner of the 148th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Leesburg, approved April 17, 1973 (Ga. L. 1973, p. 2851), as amended, particularly by an ordinance filed with the Secretary of State on September 16, 1976 (Ga. L. 1977, p. 4639), so as to provide for a municipal court for the City of Leesburg; to provide the City Council certain powers to determine qualifications and requirements relating to municipal court judges; to provide for certain penalties for violations under the jurisdiction of the

municipal court; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend an Act providing a new charter for the City of Leesburg, approved April 17, 1973 (Ga. L. 1973, p. 2851), as amended, particularly by an ordinance filed with the Secretary of State on September 16, 1976 (Ga. L. 1977, p. 4639), so as to provide for a municipal court for the City of Leesburg; to provide the City Council certain powers to determine qualifications and requirements relating to municipal court judges; to provide for certain penalties for violations under the jurisdiction of the municipal court; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing a new charter for the City of Leesburg, approved April 17, 1973 (Ga. L. 1973, p. 2851), as amended, particularly by an ordinance filed with the Secretary of State on September 16, 1976 (Ga. L. 1977, p. 4639), is amended by striking the introductory paragraph and subparagraphs (1) and (2) of paragraph (46) of Section 1.13 and inserting in lieu thereof the following:

"(46) There shall be and there is hereby established in and for the City of Leesburg to be conducted in such manner and at such time, except Sunday as the City Council may prescribe, a municipal Court in which the Municipal Court judge shall be the presiding officer, in case of the absence or disability of the presiding officer for any cause, municipal court judge or any judge of any court of record which regularly hears traffic offenses or ordinance violations, shall preside. The procedure for appointment, compensation, qualifications and tenure of the municipal judge, shall be set forth by the City Council in ordinances addressing same. The procedure in said court, with reference to the conduct and trial of cases therein, not in conflict with this section of the Charter or the general law shall be prescribed by the City Council or by rule or order of the presiding officer thereof not in conflict with the Charter or City Ordinance on the subject, and the City Council shall have the power to provide by ordinance for the compulsory attendance of all persons violating any municipal ordinance before said municipal court, by summons or copy of charges, to answer the offense charged, and when employed, such summons or copy of the charges shall be issued as provided for subpoenas and shall contain a summary or simple statement of the offense charged, and disobedience of said summons or copy of charges shall be punished as provided for disobedience of subpoenas.

(1) Jurisdiction: Authority to Punish: Extent of Penalty, Etc. Said municipal court shall have jurisdiction to try all offenders against the laws and ordinances of the

City of Leesburg committed within the corporate limits or police jurisdiction, and to punish persons convicted in said court of violating such laws and ordinances in a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the Lee County Jail or other place provided, or by compulsory labor on the streets or other public works or community service not to exceed six (6) months and either one or more of such punishments may be imposed, or the several punishments may be cumulative, or the fines may be imposed with alternative of such imprisonment or compulsory labor or coerced or enforced by said punishment or labor; provided, that the punishments, within the limits prescribed, shall only be imposed by said court in the amount and manner prescribed by the penal ordinances of said city, but in the event no penalty be provided for the doing of which is made unlawful by ordinances, the court shall have power to proceed to impose the punishments as herein enumerated. The jurisdiction of said municipal court shall further extend to the investigation of any charge involving or amounting to a violation of the penal laws of the State of Georgia, when such charge is entered upon the docket of said court and when the offense is alleged to have been committed within the corporate or police limits of the city, and provided such charges are made in writing and verified to the best of the knowledge and belief of the person making the same.

(2) Powers of Presiding Officer Generally: Contempt, Etc. The presiding officer of said court shall have the same power as judges of the superior court of this state to punish for contempt of said municipal court by a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment in the Lee County Jail, or other place provided, not to exceed ten days, and either or both of said punishments may be imposed in the discretion of the court, or the fine may be imposed with the alternative of such imprisonment, or coerced by such imprisonment. Said presiding officer of said court shall be to all intents and purposes a magistrate insofar as to enable him or her to issue warrants for offenses committed within the City of Leesburg or its police jurisdiction against the penal laws of this state, this either before a hearing or trial of the charge in said municipal court; provided, the affidavit required by law to obtain warrants is first made before said presiding officer, which warrant may be executed by any member of the police force of the city. Said presiding officer of said court as such ex officio magistrate, shall have the power and authority to commit to the jail of Lee County offenders against the law of the State of Georgia, and to admit them to bail, in bailable cause, for their appearance at the next term of the court of competent jurisdiction to be held in and for the County of Lee, after legal investigation, and shall, if the evidence in the trial of an offense against the ordinances of the city discloses the violation of any state law, have the power to bind the defendant over as above set forth."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Hill, C.A	Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Anderson	Davis	Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet
Y Burns	Geisinger	Y Knox	Y Parsons	Thomas, A.M
Butler	Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Ray	Y Watson
Y Channell	Y Harbin	Y Lord	E Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Rice	Y Williams, E
Y Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Wix
Cooper	E Henson	E Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 135, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Dukes of the 150th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 244. By Senators Hudgens of the 47th, Kemp of the 46th, Douglas of the 17th and Grant of the 25th:

A BILL to be entitled an Act to amend Title 47 of the O.C.G.A., relating to retirement and pensions, so as to create the Magistrates Retirement Fund; to define certain terms; to create a board of commissioners; to provide for appointment and terms of members of the board; to provide for the office of secretary-treasurer of the board; to provide for additional employees; to provide for a salary and fund membership; to provide for powers and duties of the board; to provide that the state auditor shall make annual audits of the fund; to provide conditions for eligibility for membership; to provide conditions for eligibility to receive a retirement benefit; to provide for a retirement benefit; to provide for benefits for surviving spouses; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 288. By Senators Rogers of the 21st, Hamrick of the 30th and Hill of the 32nd:

A BILL to be entitled an Act to amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to enact the "Grade Integrity Act of 2005"; to provide that no classroom teacher shall be required, coerced, intimidated, or disciplined in any manner to change the grade of a student; to provide for an ethical violation reportable to the Professional Standards Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 424. By Senators Chance of the 16th, Douglas of the 17th, Moody of the 56th, Cagle of the 49th, Staton of the 18th and others:

A BILL to be entitled an Act to amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to compulsory attendance for students in elementary and secondary education, so

as to provide that a student whose parent is in military service is granted excused absences from school to visit with his or her parent prior to deployment or while on leave; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 462. By Senators Carter of the 13th, Kemp of the 46th, Hamrick of the 30th, Mullis of the 53rd and Miles of the 43rd:

A BILL to be entitled an Act to amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions for sheriffs, so as to place courthouse security under the authority of the sheriff; to require a courthouse security plan which shall be subject to the approval of the chief superior court judge; to amend Chapter 9 of Title 36 of the Official Code of Georgia Annotated, relating to county property generally, so as to remove courthouses and jails from the list of properties protected; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 474. By Senators Carter of the 13th, Thomas of the 54th, Moody of the 56th, Rogers of the 21st, Seay of the 34th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the O.C.G.A., relating to elementary and secondary education, so as to establish school health advisory councils to serve as advisory bodies to local boards of education on health, physical education, and nutrition policy; to provide for a short title; to provide certain requirements for physical education instruction for students in kindergarten and grades one through eight; to encourage a wide range of supplemental health, physical activity, and nutrition programs that may be provided on school property beyond the confines of the traditional school day; to require local boards of education to adopt and implement a coordinated school health program; to provide for a state office to promote student health and physical fitness; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 486. By Senators Balfour of the 9th, Schaefer of the 50th, Grant of the 25th, Shafer of the 48th and Douglas of the 17th:

A BILL to be entitled an Act to amend Code Section 34-8-35 of the Official Code of Georgia Annotated, relating to the definition of employment under the employment security law, so as to exempt direct sellers from the definition of employment; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 525. By Senator Williams of the 19th:

A BILL to be entitled an Act to amend Chapter 3 of Title 48 of the Official Code of Georgia Annotated, relating to tax executions, so as to change certain provisions regarding the issuance of tax executions by tax collectors and tax commissioners; to provide for a definition; to provide for procedures; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 545. By Senators Mullis of the 53rd, Thomas of the 54th, Douglas of the 17th, Balfour of the 9th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Code Section 16-12-51 of the Official Code of Georgia Annotated, relating to definitions regarding bingo games, so as to provide a definition of nonprofit, tax-exempt organization; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolutions of the Senate:

SR 639. By Senator Seabaugh of the 28th:

A RESOLUTION dedicating the SGT Mike Stokely Memorial Highway; and for other purposes.

SR 864. By Senators Douglas of the 17th and Hudgens of the 47th:

A RESOLUTION dedicating the SGT Mike Stokely Memorial Highway; and for other purposes

The Senate has passed as amended, by the requisite constitutional majority, the following bill of the House:

HB 978. By Representatives Hill of the 21st and Smyre of the 132nd:

A BILL to be entitled an Act to amend Article 4 of Chapter 13 of Title 45 of the O.C.G.A., relating to the Georgia Capitol Museum, so as to create the Capitol Art Standards Commission; to provide for its membership and appointment; to provide for the terms of members of the commission and the filling of vacancies; to provide for duties and responsibilities; to provide a definition; to provide for the acceptance of certain funds; to provide limitations on the consideration and passage of bills and resolutions authorizing or requiring the display of certain artwork; to provide for related matters; to repeal Code Section 50-16-5.2 of the Official Code of Georgia

Annotated, relating to the creation of the Georgia Art Policy Committee; to repeal conflicting laws; and for other purposes.

The Senate adheres to its amendment and has appointed a Committee of Conference on the following bill of the House:

HB 246. By Representatives Graves of the 137th, Stephens of the 164th, Carter of the 159th, Burmeister of the 119th, Parham of the 141st and others:

A BILL to be entitled an Act to amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, so as to change certain provisions relating to the electronic transmission of prescription drug orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Balfour of the 9th, Schaefer of the 50th, and Pearson of the 51st.

By unanimous consent, the following Bills and Resolutions of the Senate were read the first time and referred to the Committees:

SB 244. By Senators Hudgens of the 47th, Kemp of the 46th, Douglas of the 17th and Grant of the 25th:

A BILL to be entitled an Act to amend Title 47 of the O.C.G.A., relating to retirement and pensions, so as to create the Magistrates Retirement Fund; to define certain terms; to create a board of commissioners; to provide for appointment and terms of members of the board; to provide for the office of secretary-treasurer of the board; to provide for additional employees; to provide for a salary and fund membership; to provide for powers and duties of the board; to provide that the state auditor shall make annual audits of the fund; to provide conditions for eligibility for membership; to provide conditions for eligibility to receive a retirement benefit; to provide for a retirement benefit; to provide for benefits for surviving spouses; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

SB 288. By Senators Rogers of the 21st, Hamrick of the 30th and Hill of the 32nd:

A BILL to be entitled an Act to amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to enact the "Grade Integrity Act of 2005"; to provide that no classroom teacher shall be required, coerced, intimidated, or disciplined in any manner to change the grade of a student; to provide for an ethical violation reportable to the Professional Standards Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 424. By Senators Chance of the 16th, Douglas of the 17th, Moody of the 56th, Cagle of the 49th, Staton of the 18th and others:

A BILL to be entitled an Act to amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to compulsory attendance for students in elementary and secondary education, so as to provide that a student whose parent is in military service is granted excused absences from school to visit with his or her parent prior to deployment or while on leave; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 462. By Senators Carter of the 13th, Kemp of the 46th, Hamrick of the 30th, Mullis of the 53rd and Miles of the 43rd:

A BILL to be entitled an Act to amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions for sheriffs, so as to place courthouse security under the authority of the sheriff; to require a courthouse security plan which shall be subject to the approval of the chief superior court judge; to amend Chapter 9 of Title 36 of the Official Code of Georgia Annotated, relating to county property generally, so as to remove courthouses and jails from the list of properties protected; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 474. By Senators Carter of the 13th, Thomas of the 54th, Moody of the 56th, Rogers of the 21st, Seay of the 34th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the O.C.G.A., relating to elementary and secondary education, so as to establish school

health advisory councils to serve as advisory bodies to local boards of education on health, physical education, and nutrition policy; to provide for a short title; to provide certain requirements for physical education instruction for students in kindergarten and grades one through eight; to encourage a wide range of supplemental health, physical activity, and nutrition programs that may be provided on school property beyond the confines of the traditional school day; to require local boards of education to adopt and implement a coordinated school health program; to provide for a state office to promote student health and physical fitness; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 486. By Senators Balfour of the 9th, Schaefer of the 50th, Grant of the 25th, Shafer of the 48th and Douglas of the 17th:

A BILL to be entitled an Act to amend Code Section 34-8-35 of the Official Code of Georgia Annotated, relating to the definition of employment under the employment security law, so as to exempt direct sellers from the definition of employment; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industrial Relations.

SB 525. By Senator Williams of the 19th:

A BILL to be entitled an Act to amend Chapter 3 of Title 48 of the Official Code of Georgia Annotated, relating to tax executions, so as to change certain provisions regarding the issuance of tax executions by tax collectors and tax commissioners; to provide for a definition; to provide for procedures; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 545. By Senators Mullis of the 53rd, Thomas of the 54th, Douglas of the 17th, Balfour of the 9th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Code Section 16-12-51 of the Official Code of Georgia Annotated, relating to definitions regarding bingo games, so as to provide a definition of nonprofit, tax-exempt organization; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

SR 639. By Senator Seabaugh of the 28th:

A RESOLUTION dedicating the SGT Mike Stokely Memorial Highway; and for other purposes.

Referred to the Committee on Transportation.

SR 864. By Senators Douglas of the 17th and Hudgens of the 47th:

A RESOLUTION dedicating the SGT Mike Stokely Memorial Highway; and for other purposes

Referred to the Committee on Transportation.

The following members were recognized during the period of Morning Orders and addressed the House:

Jackson of the 161st, Watson of the 91st, Chambers of the 81st, Sims of the 169th, and Cooper of the 41st.

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 1199. By Representatives Jenkins of the 8th and Ralston of the 7th:

A RESOLUTION commending Howard "Fiddlin" Cunningham on his accomplishments in his chosen field of music and entertainment and inviting him to appear before the House of Representatives; and for other purposes.

HR 1465. By Representatives Reese of the 98th, Cox of the 102nd and Coan of the 101st:

A RESOLUTION commending Riverside Elementary School on receiving a Single Statewide Accountability System Platinum Award from the Governor's Office of Student Achievement and inviting Mr. Craig Barlow, principal of Riverside Elementary School, to appear before the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill and Resolutions of the House were taken up for consideration and read the third time:

HR 1081. By Representatives Smith of the 113th, Ehrhart of the 36th, Harbin of the 118th, Royal of the 171st, Floyd of the 147th and others:

A RESOLUTION creating the Joint Higher Education Finance and Formula Study Committee; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Wix
Y Cooper	Henson	E Manning	Y Royal	Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson,
				Speaker

On the adoption of the Resolution, the ayes were 153, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted.

Representative Heard of the 104th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 1250. By Representatives Barnard of the 166th and Greene of the 149th:

A BILL to be entitled an Act to amend Article 9 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation management, so as to change the repeal date of the "Probation Management Act of 2004"; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Dollar	Hugley	Y Mills	Y Sims, C
Benfield	Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Geisinger	N Knox	Y Parsons	Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Reece, S	Y Willard
Y Coan	Heard, J	Lucas	Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E

Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Wix
Y Cooper	Henson	E Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 150, nays 1.

The Bill, having received the requisite constitutional majority, was passed.

Representative Heard of the 104th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HR 1259. By Representative Barnard of the 166th:

A RESOLUTION authorizing the granting of nonexclusive easements for operation and maintenance of facilities, utilities, and ingress and egress, in, on, over, under, upon, across or through property owned by the State of Georgia in Chatham, Coweta, Douglas, Grady, and Muscogee counties, Georgia; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Authorizing the granting of nonexclusive easements for operation and maintenance of facilities, utilities, and ingress and egress, in, on, over, under, upon, across or through property owned by the State of Georgia in Bryan, Camden, Charlton, Chatham, Coweta, Douglas, Glynn, Grady, and Muscogee counties, Georgia; to repeal conflicting laws; and for other purposes.

WHEREAS, the State of Georgia is the owner of certain real property located in Bryan, Camden, Charlton, Chatham, Coweta, Douglas, Glynn, Grady, and Muscogee counties, Georgia; and

WHEREAS, Terry L. Hall, Georgia Power Company, Greystone Power Corporation, the City of Cairo, the Columbus Consolidated Government, and Southern Natural Gas Company desire to operate and maintain facilities, utilities, and ingress and egress in, on, over, under, upon, across, or through a portion of said property; and

WHEREAS, these facilities, utilities, and ingress and egress in, on, over, under, upon, across, or through the above-described state property have been requested and/or approved by the Department of Natural Resources and Department of Technical and

Adult Education, with respect to the property under the jurisdiction of their respective departments.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
SECTION 1.

That the State of Georgia is the owner of the hereinafter described real property in Chatham County and the property is in the custody of the Department of Natural Resources, hereinafter referred to as the "easement area," and that, in all matters relating to the easement area, the State of Georgia is acting by and through its State Properties Commission.

SECTION 2.

That the State of Georgia, acting by and through its State Properties Commission, may grant to Terry L. Hall, or his successors and assigns, a nonexclusive easement for the operation and maintenance of ingress and egress in, on, over, under, upon, across, or through the easement area for the purpose of maintaining, repairing, replacing, inspecting, and operating ingress and egress together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located lying west of Windsor, 6th GMD Chatham County, Georgia, and is more particularly described as follows:

"That portion and that portion only as shown in yellow on a plat of survey dated February 20, 2002, prepared by Vincent Helmly and on file in the offices of the State Properties Commission, and may be more particularly described by a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval."

SECTION 3.

That the above-described premises shall be used solely for the purposes of installing, maintaining, repairing, replacing, inspecting, and operating said ingress and egress.

SECTION 4.

That Terry L. Hall shall have the right to remove or cause to be removed from said easement area only such trees and bushes as may be reasonably necessary for the proper operation and maintenance of said ingress and egress.

SECTION 5.

That, after Terry L. Hall has put into use the ingress and egress for which this easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and

easement granted herein. Upon abandonment, Terry L. Hall, or his successors and assigns, shall have the option of removing their facilities from the easement area or leaving the same in place, in which event the ingress and egress shall become the property of the State of Georgia, or its successors and assigns.

SECTION 6.

That no title shall be conveyed to Terry L. Hall and, except as herein specifically granted to Terry L. Hall, all rights, title, and interest in and to said easement area are reserved in the State of Georgia, which may make any use of said easement area not inconsistent with or detrimental to the rights, privileges, and interest granted to Terry L. Hall.

SECTION 7.

That if the State of Georgia, acting by and through its State Properties Commission, determines that any or all of the facilities placed on the easement area should be removed or relocated to an alternate site on state owned land in order to avoid interference with the state's use or intended use of the easement area, it may grant a substantially equivalent nonexclusive easement to allow placement of the removed or relocated facilities across the alternate site, under such terms and conditions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia; and Terry L. Hall shall remove or relocate his facilities to the alternate easement area at his sole cost and expense, unless the State Properties Commission determines that the requested removal or relocation is to be for the sole benefit of the State of Georgia and approves payment by the State of Georgia of all or a portion of such actual cost and expense, not to exceed by 20 percent the amount of a written estimate provided by Terry L. Hall. Upon written request, the State Properties Commission, in its sole discretion, may permit the relocation of the facilities to an alternate site on state owned land so long as the removal and relocation is paid by the party or parties requesting such removal and at no cost and expense to the State of Georgia.

SECTION 8.

That this resolution does not affect and is not intended to affect any rights, powers, interest, or liability of the Department of Transportation with respect to the state highway system, a county with respect to the county road system, or a municipality with respect to the city street system. Grantee shall obtain any and all other required permits from the appropriate governmental agencies as are necessary for its lawful use of the easement area or public highway right of way and comply with all applicable state and federal environmental statutes in its use of the easement area.

SECTION 9.

That the easement granted to Terry L. Hall shall contain such other reasonable terms, conditions, and covenants as the State Properties Commission shall deem in the best interests of the State of Georgia and that the State Properties Commission is authorized to

use a more accurate description of the easement area, so long as the description utilized by the State Properties Commission describes the same easement area herein granted.

SECTION 10.

That the consideration for such easement shall be for the fair market value, but not less than \$650.00 and such further consideration and provisions as the State Properties Commission may determine to be in the best interests of the State of Georgia.

SECTION 11.

That this grant of easement shall be recorded by the grantee in the Superior Court of Chatham County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 12.

That the authorization in this resolution to grant the above-described easement to Terry L. Hall shall expire three years after the date that this resolution becomes effective.

SECTION 13.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect the grant of the easement area.

ARTICLE II

SECTION 14.

That the State of Georgia is the owner of the hereinafter described real property in Coweta County, and is in the custody of the Department of Natural Resources, hereinafter referred to as the "easement area," and that, in all matters relating to the easement area, the State of Georgia is acting by and through its State Properties Commission.

SECTION 15.

That the State of Georgia, acting by and through its State Properties Commission, may grant to Georgia Power Company, or its successors and assigns, a nonexclusive easement for the construction, operation, and maintenance of an electrical distribution line in, on, over, under, upon, across, or through the easement area for the purpose of constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating an electrical distribution line together with the right of ingress or egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located in land lots 112, 113, 116, 117, 132, 133, 139, 140, 155, 156, 161, and 176 of the 4th District, Coweta County, Georgia, and is more particularly described as follows:

"That portion and that portion only as shown marked in yellow on a drawing prepared by Georgia Power Company and being titled "Plant Yates Transmission Line",

additional easement to be acquired crossing the property of Georgia Department of Natural Resources, and on file in the offices of the State Properties Commission and may be more particularly described by a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval."

SECTION 16.

That the above-described premises shall be used solely for the purposes of planning, constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating said electrical distribution line.

SECTION 17.

That the Georgia Power Company shall have the right to remove or cause to be removed from said easement area only such trees and bushes as may be reasonably necessary for the proper construction, operation, and maintenance of said electrical distribution line.

SECTION 18.

That, after the Georgia Power Company has put into use the electrical distribution line for which this easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and easement granted herein. Upon abandonment, the Georgia Power Company, or its successors and assigns, shall have the option of removing its facilities from the easement area or leaving the same in place, in which event the facility shall become the property of the State of Georgia, or its successors and assigns.

SECTION 19.

That no title shall be conveyed to the Georgia Power Company, and, except as herein specifically granted to Georgia Power Company, all rights, title, and interest in and to said easement area is reserved in the State of Georgia, which may make any use of said easement area not inconsistent with or detrimental to the rights, privileges, and interest granted to Georgia Power Company.

SECTION 20.

That if the State of Georgia, acting by and through its State Properties Commission, determines that any or all of the facilities placed on the easement area should be removed or relocated to an alternate site on state owned land in order to avoid interference with the state's use or intended use of the easement area, it may grant a substantially equivalent nonexclusive easement to allow placement of the removed or relocated facilities across the alternate site, under such terms and conditions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia; and Georgia Power Company shall remove or relocate its facilities to the alternate easement area at its sole cost and expense, unless the State Properties Commission determines that the requested removal or relocation is to be for the sole benefit of the State of Georgia

and approves payment by the State of Georgia of all or a portion of such actual cost and expense, not to exceed by 20 percent the amount of a written estimate provided by Georgia Power Company. Upon written request, the State Properties Commission, in its sole discretion, may permit the relocation of the facilities to an alternate site on state owned land so long as the removal and relocation is paid by the party or parties requesting such removal and at no cost and expense to the State of Georgia.

SECTION 21.

That this resolution does not affect and is not intended to affect any rights, powers, interests, or liability of the Department of Transportation with respect to the state highway system, a county with respect to the county road system, or a municipality with respect to the city street system. Grantee shall obtain any and all other required permits from the appropriate governmental agencies as are necessary for its lawful use of the easement area or public highway right of way and comply with all applicable state and federal environmental statutes in its use of the easement area.

SECTION 22.

That the easement granted to Georgia Power Company shall contain such other reasonable terms, conditions, and covenants as the State Properties Commission shall deem in the best interests of the State of Georgia and that the State Properties Commission is authorized to use a more accurate description of the easement area, so long as the description utilized by the State Properties Commission describes the same easement area herein granted.

SECTION 23.

That the consideration for such easement shall be for \$10.00 and the acknowledgment that Georgia Power Company conveyed 564 acres to the State of Georgia for a consideration of \$10.00, a portion of which the herein described easement traverses, and such further consideration and provisions as the State Properties Commission may determine to be in the best interests of the State of Georgia.

SECTION 24.

That this grant of easement shall be recorded by the grantee in the Superior Court of Coweta County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 25.

That the authorization in this resolution to grant the above-described easement to Georgia Power Company shall expire three years after the date that this resolution becomes effective.

SECTION 26.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect the grant of the easement area.

ARTICLE III
SECTION 27.

That the State of Georgia is the owner of the hereinafter described real property in Douglas County and the property is in the custody of the Department of Natural Resources, hereinafter referred to as the "easement area," and that, in all matters relating to the easement area, the State of Georgia is acting by and through the State Properties Commission.

SECTION 28.

That the State of Georgia, acting by and through its State Properties Commission, may grant to Greystone Power Corporation, or its successors and assigns, a nonexclusive easement for the construction, operation, and maintenance of an electrical distribution line in, on, over, under, upon, across, or through the easement area for the purposes of constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating an electrical distribution line together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located in land lot 882, 13th District, 2nd Section, Douglas County, Georgia, and is more particularly described as follows:

"That portion and that portion only as shown marked in yellow on a drawing prepared by Greystone Power Corporation, and attached as EXHIBIT "A" to that certain revocable license agreement dated June 15, 2005 and designated as real property record #10115, and being on file in the offices of the State Properties Commission, and may be more particularly described by a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval."

SECTION 29.

That the above-described premises shall be used solely for the purposes of planning, constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating said electrical distribution line.

SECTION 30.

That Greystone Power Corporation shall have the right to remove or cause to be removed from said easement area only such trees and bushes as may be reasonably necessary for the proper construction, operation, and maintenance of said electrical distribution line.

SECTION 31.

That after the Greystone Power Corporation has put into use the electrical distribution line for which this easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and easement granted herein. Upon abandonment, Greystone Power Corporation, or its successors and assigns, shall have the option of removing its facilities from the easement area or leaving the same in place, in which

event the facility shall be the property of the State of Georgia, or its successors and assigns.

SECTION 32.

That no title shall be conveyed to Greystone Power Corporation, and, except as herein specifically granted to Greystone Power Corporation, all rights, title, and interest in and to said easement area are reserved in the State of Georgia, which may make any use of said easement area not inconsistent with or detrimental to the rights, privileges, and interest granted to Greystone Power Corporation.

SECTION 33.

That if the State of Georgia, acting by and through its State Properties Commission, determines that any or all of the facilities placed on the easement area should be removed or relocated to an alternate site on state owned land in order to avoid interference with the state's use or intended use of the easement area, it may grant a substantially equivalent nonexclusive easement to allow placement of the removed or relocated facilities across the alternate site, under such terms and conditions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia; and Greystone Power Corporation shall remove or relocate its facilities to the alternate easement area at its sole cost and expense, unless the State Properties Commission determines that the requested removal or relocation is to be for the sole benefit of the State of Georgia and approves payment by the State of Georgia of all or a portion of such actual cost and expense, not to exceed 20 percent the amount of a written estimate provided by Greystone Power Corporation. Upon written request, the State Properties Commission, in its sole discretion, may permit the relocation of the facilities to an alternate site on state owned land so long as the removal and relocation is paid by the party or parties requesting such removal and at no cost and expense to the State of Georgia.

SECTION 34.

That this resolution does not affect and is not intended to affect any rights, powers, interest, or liability of the Department of Transportation with respect to the state highway system, a county with respect to the county road system, or a municipality with respect to the city street system. Grantee shall obtain any and all other required permits from the appropriate governmental agencies as are necessary for its lawful use of the easement area or public highway right of way and comply with all applicable state and federal environmental statutes in its use of the easement area.

SECTION 35.

That the easement granted to Greystone Power Corporation shall contain such other reasonable terms, conditions, and covenants as the State Properties Commission shall deem in the best interests of the State of Georgia and that the State Properties Commission is authorized to use a more accurate description of the easement area, so

long as the description utilized by the State Properties Commission describes the same easement area herein granted.

SECTION 36.

That the consideration for such easement shall be \$10.00 and such further consideration and provisions as the State Properties Commission may determine to be in the best interests of the State of Georgia.

SECTION 37.

That this grant of easement shall be recorded by the grantee in the Superior Court of Douglas County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 38.

That the authorization in this resolution to grant the above-described easement to Greystone Power Corporation shall expire three years after the date that this resolution becomes effective.

SECTION 39.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect the grant of the easement area.

ARTICLE IV
SECTION 40.

That the State of Georgia is the owner of the hereinafter described real property in Grady County and the property is in the custody of the Department of Technical and Adult Education, hereinafter referred to as the "easement area," and that, in all matters relating to the easement area, the State of Georgia is acting by and through its State Properties Commission.

SECTION 41.

That the State of Georgia, acting by and through its State Properties Commission, may grant to the City of Cairo, or its successors and assigns, a nonexclusive easement for the construction, operation, and maintenance of utilities on, over, under, upon, across, or through the easement area for the purposes of constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating utilities together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located in land lots 381 and 20, 17th and 18th Land District, Grady County, Georgia, and are more particularly described as follows:

"That portion and that portion only as shown highlighted in yellow on a plat of survey dated October 1, 2003 prepared by Larry W. Grogan and all being on file in the offices

of the State Properties Commission and may be more particularly described by a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval."

SECTION 42.

That the above-described premises shall be used solely for the purposes of planning, constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating utilities.

SECTION 43.

That the City of Cairo shall have the right to remove or cause to be removed from said easement area only such trees and bushes as may be reasonably necessary for the proper construction, operation, and maintenance of said utilities.

SECTION 44.

That, after the City of Cairo has put into use the utilities for which this easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and easement granted herein. Upon abandonment, the City of Cairo, or its successors and assigns, shall have the option of removing its facilities from the easement area or leaving the same in place, in which event the facility shall become the property of the State of Georgia, or its successors and assigns.

SECTION 45.

That no title shall be conveyed to the City of Cairo, and, except as herein specifically granted to the City of Cairo, all rights, title, and interest in and to said easement area are reserved in the State of Georgia, which may make any use of said easement area not inconsistent with or detrimental to the rights, privileges, and interest granted to the City of Cairo.

SECTION 46.

That if the State of Georgia, acting by and through its State Properties Commission, determines that any or all of the facilities placed on the easement area should be removed or relocated to an alternate site on state owned land in order to avoid interference with the state's use or intended use of the easement area, it may grant a substantially equivalent nonexclusive easement to allow placement of the removed or relocated facilities across the alternate site, under such terms and conditions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia; and the City of Cairo shall remove or relocate its facilities to the alternate easement area at its sole cost and expense, unless the State Properties Commission determines that the requested removal or relocation is to be for the sole benefit of the State of Georgia and approves payment by the State of Georgia of all or a portion of such actual cost and expense, not to exceed by 20 percent the amount of a written estimate provided by the

City of Cairo. Upon written request, the State Properties Commission, in its sole discretion, may permit the relocation of the facilities to an alternate site on state owned land so long as the removal and relocation is paid by the party or parties requesting such removal and at no cost and expense to the State of Georgia.

SECTION 47.

That this resolution does not affect and is not intended to affect any rights, powers, interest, or liability of the Department of Transportation with respect to the state highway system, a county with respect to the county road system, or a municipality with respect to the city street system. Grantee shall obtain any and all other required permits from the appropriate governmental agencies as are necessary for its lawful use of the easement area or public highway right of way and comply with all applicable state and federal environmental statutes in its use of the easement area.

SECTION 48.

That the easement granted to the City of Cairo shall contain such other reasonable terms, conditions, and covenants as the State Properties Commission shall deem in the best interests of the State of Georgia and that the State Properties Commission is authorized to use a more accurate description of the easement area, so long as the description utilized by the State Properties Commission describes the same easement area herein granted.

SECTION 49.

That the consideration for such easement shall be for \$10.00 and such further consideration and provisions as the State Properties Commission may determine to be in the best interests of the State of Georgia.

SECTION 50.

That this grant of easement shall be recorded by the grantee in the Superior Court of Grady County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 51.

That the authorization in this resolution to grant the above-described easement to the City of Cairo shall expire three years after the date that this resolution becomes effective.

SECTION 52.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect the grant of the easement area.

ARTICLE V

SECTION 53.

That the State of Georgia is the owner of the hereinafter described real property in Muscogee County and the property is in the custody of the Department of Technical and

Adult Education, hereinafter referred to as the "easement area," and that, in all matters relating to the easement area, the State of Georgia is acting by and through its State Properties Commission.

SECTION 54.

That the State of Georgia, acting by and through its State Properties Commission, may grant to the Columbus Consolidated Government, or its successors and assigns, a nonexclusive easement for the construction, operation, and maintenance of a sanitary sewer line in, on, over, under, upon, across, or through the easement area for the purposes of constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating a sanitary sewer line together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located in land lot 59, 9th District of Muscogee County, Georgia, and is more particularly described as follows:

"That portion and that portion only as shown highlighted in yellow on a plat of survey dated May 10, 2005 and prepared by A. B. Moon Jr., and being on file in the offices of the State Properties Commission, and may be more particularly described by a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval."

SECTION 55.

That the above-described premises shall be used solely for the purposes of constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating said sanitary sewer line.

SECTION 56.

That the Columbus Consolidated Government shall have the right to remove or cause to be removed from said easement area only such trees and bushes as may be reasonably necessary for the proper construction, operation, and maintenance of said sanitary sewer line.

SECTION 57.

That, after the Columbus Consolidated Government has put into use the sanitary sewer line for which this easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and easement granted herein. Upon abandonment, the Columbus Consolidated Government, or its successors and assigns, shall have the option of removing its facilities from the easement area or leaving the same in place, in which event the facility shall be the property of the State of Georgia, or its successors and assigns.

SECTION 58.

That no title shall be conveyed to the Columbus Consolidated Government, and, except

as herein specifically granted to Columbus Consolidated Government, all rights, title, and interest in and to said easement area are reserved in the State of Georgia, which may make any use of said easement area not inconsistent with or detrimental to the rights, privileges, and interest granted to the Columbus Consolidated Government.

SECTION 59.

That if the State of Georgia, acting by and through its State Properties Commission, determines that any or all of the facilities placed on the easement area should be removed or relocated to an alternate site on state owned land in order to avoid interference with the state's use or intended use of the easement area, it may grant a substantially equivalent nonexclusive easement to allow placement of the removed or relocated facilities across the alternate site, under such terms and conditions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia; and the Columbus Consolidated Government shall remove or relocate its facilities to the alternate easement area at its sole cost and expense, unless the State Properties Commission determines that the requested removal or relocation is to be for the sole benefit of the State of Georgia and approves payment by the State of Georgia of all or a portion of such actual cost and expense, not to exceed by 20 percent the amount of a written estimate provided by the Columbus Consolidated Government. Upon written request, the State Properties Commission, in its sole discretion, may permit the relocation of the facilities to an alternate site on state owned land so long as the removal and relocation is paid by the party or parties requesting such removal and at no cost and expense to the State of Georgia.

SECTION 60.

That this resolution does not affect and is not intended to affect any rights, powers, interest, or liability of the Department of Transportation with respect to the state highway system, a county with respect to the county road system, or a municipality with respect to the city street system. Grantee shall obtain any and all other required permits from the appropriate governmental agencies as are necessary for its lawful use of the easement area or public highway right of way and comply with all applicable state and federal environmental statutes in its use of the easement area.

SECTION 61.

That the easement granted to the Columbus Consolidated Government shall contain such other reasonable terms, conditions, and covenants as the State Properties Commission shall deem in the best interests of the State of Georgia and that the State Properties Commission is authorized to use a more accurate description of the easement area, so long as the description utilized by the State Properties Commission describes the same easement area herein granted.

SECTION 62.

That the consideration for such easement shall be for the fair market value, but not less

that \$650.00 and such further consideration and provisions as the State Properties Commission may determine to be in the best interests of the State of Georgia.

SECTION 63.

That this grant of easement shall be recorded by the grantee in the Superior Court of Muscogee County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 64.

That the authorization in this resolution to grant the above-described easement to the Columbus Consolidated Government shall expire three years after the date that this resolution becomes effective.

SECTION 65.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect the grant of the easement area.

ARTICLE VI

SECTION 66.

That the State of Georgia is the owner of the hereinafter described real property in Bryan, Camden, Charlton, Chatham, and Glynn counties, and is in the custody of the Department of Natural Resources, hereinafter referred to as the "easement area," and that, in all matters relating to the easement area, the State of Georgia is acting by and through its State Properties Commission.

SECTION 67.

That the State of Georgia, acting by and through its State Properties Commission, may grant to Southern Natural Gas Company, or its successors and assigns, a nonexclusive easement for the construction, operation, and maintenance of a natural gas pipeline in, on, over, under, upon, across, or through the easement area for the purposes of constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating a natural gas pipeline together with the right of ingress or egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located on state property known as creek or river bottoms of St. Augustine Creek and the Ogeechee, Little Satilla, St. Marys, and Satilla Rivers and/or tidally influenced lands near these waters and manages a state owned scenic easement along the Altamaha River in Glynn County, Georgia, and is more particularly described as outlined in yellow on a drawing prepared by Southern Natural Gas Company and being titled "Proposed Cypress Pipeline Crossings Over State Lands and Tidal Areas", and on file in the offices of the State Properties Commission and may be more particularly described by a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval.

SECTION 68.

That the above-described premises shall be used solely for the purposes of constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating said natural gas pipeline.

SECTION 69.

That, after Southern Natural Gas Company has put into use the natural gas pipeline for which this easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and easement granted herein. Upon abandonment, Southern Natural Gas Company, or its successors and assigns, shall have the option of removing its facilities from the easement area or leaving the same in place, in which event the facility shall become the property of the State of Georgia, or its successors and assigns.

SECTION 70.

That no title shall be conveyed to Southern Natural Gas Company, and, except as herein specifically granted to Southern Natural Gas Company, all rights, title, and interest in and to said easement area is reserved in the State of Georgia, which may make any use of said easement area not inconsistent with or detrimental to the rights, privileges, and interest granted to Southern Natural Gas Company.

SECTION 71.

That if the State of Georgia, acting by and through its State Properties Commission, determines that any or all of the facilities placed on the easement area should be removed or relocated to an alternate site on state owned land in order to avoid interference with the state's use or intended use of the easement area, it may grant a substantially equivalent nonexclusive easement to allow placement of the removed or relocated facilities across the alternate site, under such terms and conditions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia; and Southern Natural Gas Company shall remove or relocate its facilities to the alternate easement area at its sole cost and expense, unless the State Properties Commission determines that the requested removal or relocation is to be for the sole benefit of the State of Georgia and approves payment by the State of Georgia of all or a portion of such actual cost and expense, not to exceed by 20 percent the amount of a written estimate provided by Southern Natural Gas Company. Upon written request, the State Properties Commission, in its sole discretion, may permit the relocation of the facilities to an alternate site on state owned land so long as the removal and relocation is paid by the party or parties requesting such removal and at no cost and expense to the State of Georgia.

SECTION 72.

That this resolution does not affect and is not intended to affect any rights, powers, interests, or liability of the Department of Transportation with respect to the state

highway system, a county with respect to the county road system, or a municipality with respect to the city street system. Grantee shall obtain any and all other required permits from the appropriate governmental agencies as are necessary for its lawful use of the easement area or public highway right of way and comply with all applicable state and federal environmental statutes in its use of the easement area.

SECTION 73.

That the easement granted to Southern Natural Gas Company shall contain such other reasonable terms, conditions, and covenants as the State Properties Commission shall deem in the best interests of the State of Georgia and that the State Properties Commission is authorized to use a more accurate description of the easement area, so long as the description utilized by the State Properties Commission describes the same easement area herein granted.

SECTION 74.

That the consideration for such easement shall be for not less than the fair market value and such further consideration and provisions as the State Properties Commission may determine to be in the best interests of the State of Georgia.

SECTION 75.

That this grant of easement shall be recorded by the grantee in the Superior Courts of Bryan, Camden, Charlton, Chatham, and Glynn counties and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 76.

That the authorization in this resolution to grant the above-described easement to Southern Natural Gas Company shall expire three years after the date that this resolution becomes effective.

SECTION 77.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect the grant of the easement area.

ARTICLE VII

SECTION 78.

That all laws and parts of laws in conflict with this resolution are repealed.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to.

On the adoption of the Resolution, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	N Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
E Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Wix
Y Cooper	Henson	E Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the adoption of the Resolution, by substitute, the ayes were 153, nays 1.

The Resolution, having received the requisite constitutional majority, was adopted, by substitute.

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 1531 Do Pass
HR 1532 Do Pass

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 1531. By Representative Floyd of the 147th:

A RESOLUTION recognizing the Cordele-Crisp County Fish Fry and commending Mr. Ferrell Henry, Mr. Don Tucker, Mr. Zack Wade, and Mr. Joe Cook and inviting the cooking team to appear before the House of Representatives; and for other purposes.

HR 1532. By Representative Floyd of the 147th:

A RESOLUTION recognizing and commending Miss Jenna Morgan Stanford, 2006 Georgia Watermelon Queen, and inviting her to appear before the House of Representatives; and for other purposes.

The following Resolution of the House was read and referred to the Committee on Rules:

HR 1536. By Representatives Jones of the 44th, Brooks of the 63rd and Williams of the 165th:

A RESOLUTION commending the legendary musical group, The Tams, and inviting its members to appear before the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1023. By Representatives Franklin of the 43rd, Forster of the 3rd, Willard of the 49th, Lane of the 167th, Neal of the 1st and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide that a person must have reached the age of majority to contract marriage; to repeal an exception to such age requirement in the case of pregnancy or live birth; to remove an exception to parental consent based upon pregnancy or live birth; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL

To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide a procedure for children who are 16 or 17 years of age to petition the juvenile court for permission to marry; to provide for definitions; to

provide for time and notice of hearing; to provide for conduct of the hearing; to provide for applicability to nonresidents; to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide that a person be at least 18 years of age in order to contract for marriage except under limited circumstances; to repeal an exception to such age requirement in the case of pregnancy or live birth; to repeal an exception to parental consent based upon pregnancy or live birth; to change certain provisions relating to proof of age for applicants to marry; to change certain provisions relating to parental consent; to repeal a provision relating to notification of parents for underage applicants and additional fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by adding a new Article 6 to the end of the chapter, to read as follows:

"ARTICLE 6

15-11-180.

As used in this article, the term:

- (1) 'Applicant' means a person 16 or 17 years of age applying for permission to contract for marriage for whom parental consent as provided in Code Section 19-3-37 has not been given.
- (2) 'Guardian' shall have the same meaning as provided in Code Section 19-3-37.
- (3) 'Parent' shall have the same meaning as provided in Code Section 19-3-37.

15-11-181.

Either applicant may petition the juvenile court in which the applicant resides for a waiver of the age requirement for marriage pursuant to the procedures set forth in this article. The juvenile court shall assist the applicant in preparing the petition and notices required pursuant to this subsection. No filing fees shall be required of any applicant who uses the procedures set forth in this article.

15-11-182.

Notwithstanding Code Sections 15-11-38, 15-11-38.1, and 15-11-39, the applicant shall be notified of the date, time, and place of the hearing at the time of filing the petition. The hearing shall be held within 30 days of the date of filing. The parents or guardian of the applicant and the parents or guardian of the prospective spouse if the prospective spouse is less than 18 years of age shall be served with the petition or with a summons or otherwise notified of the hearing.

15-11-183.

(a) The applicant, prospective spouse, parents or guardian of the applicant, and parents or guardian of the prospective spouse if the prospective spouse is less than 18 years of age may participate in the court proceedings. The court may hear testimony from any interested party to the proceeding and shall consider parental consent utilizing the procedures set forth in Code Section 19-3-37.

(b) The requirement that a person shall be 18 years of age as set forth in paragraph (2) of subsection (a) of Code Section 19-3-2 shall be waived if the court finds that it is in the best interest of the applicant to allow the parties to contract for marriage.

(c) A court that conducts proceedings under this Code section shall issue written and specific factual findings and legal conclusions supporting its decision and shall order that a record of the evidence be maintained. The juvenile court shall render its decision within seven days of the conclusion of the hearing and a certified copy of the same shall be furnished to the applicant, the prospective spouse, the parents or guardian of the applicant, and the parents or guardian of the prospective spouse if the prospective spouse is less than 18 years of age.

15-11-184.

The requirements and procedures of this article shall apply to all persons 16 or 17 years of age within this state whether or not such persons are residents of this state."

SECTION 2.

Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, is amended by striking Code Section 19-3-2, relating to who may contract marriage, and inserting in lieu thereof the following:

"19-3-2.

(a) To be able to contract marriage, a person must:

(1) Be of sound mind;

(2) Except as provided in subsection (b) of this Code section and Article 6 of Chapter 11 of Title 15, be ~~Be~~ at least ~~16~~ 18 years of age. ~~If either applicant is under the age of majority, parental consent shall be required, as provided in Code Section 19-3-37. However, the age limitations contained in this paragraph shall not apply upon proof of pregnancy on the part of the female or in instances in which both applicants are the parents of a living child born out of wedlock, in which case the parties may contract marriage regardless of age;~~

(3) Have no living spouse of a previous undissolved marriage. The dissolution of a previous marriage in divorce proceedings must be affirmatively established and will not be presumed. Nothing in this paragraph shall be construed to affect the legitimacy of children; and

(4) Not be related to the prospective spouse by blood or marriage within the prohibited degrees.

(b) If either applicant for marriage is 16 or 17 years of age, parental consent as provided in Code Section 19-3-37 shall be required."

SECTION 3.

Said chapter is further amended by striking in its entirety Code Section 19-3-36, relating to proof of age of applicants, physician's certificate of pregnancy or parenthood of applicants under age of 16, inspection of certificate, and destruction of certificate, and inserting in lieu thereof the following:

"19-3-36.

(a) The judge of the probate court to whom the application for a marriage license is made shall satisfy himself or herself that the provisions set forth in Code Section 19-3-2 regarding age limitations are met or that such limitations are not required by virtue of an order issued pursuant to Code Section 15-11-183. If the judge does not know of his or her own knowledge the age of a party for whom a marriage license is sought, ~~he~~ the judge shall require the applicant to furnish ~~him~~ the court with documentary evidence of proof of age in the form of a birth certificate, driver's license, baptismal certificate, certificate of birth registration, selective service card, court record, passport, immigration papers, alien papers, citizenship papers, armed forces discharge papers, armed forces identification card, or hospital admission card containing the full name and date of birth. In the event an applicant does not possess any of the above but appears to the judge to be at least 25 years of age, the applicant, in lieu of furnishing the judge with one of the above, may give an affidavit to the judge stating the applicant's age. Applicants who have satisfactorily proved that they have reached the age of majority may be issued a marriage license immediately.

~~(b) In cases where either or both of the applicants have not yet reached the age of 16 years, the underage applicant or applicants must submit evidence in the form of a licensed physician's certificate that the female is pregnant or evidence that both applicants are parents of a living child born out of wedlock, in which case the parties may be issued a marriage license immediately. The certificate signed by a licensed physician shall be available for inspection by the parents or guardians of either the female or male applicant under this subsection, prior to the destruction of the certificate as provided in this subsection; but the certificate shall not be open to public inspection except on order of a judge of the superior court. After the birth of the child and upon the presentation of the birth certificate of the child to the judge of the probate court and the verification of the accuracy of the birth certificate, the physician's certificate that the female was pregnant and all records of the certificate under the control of the judge shall be destroyed. For purposes of this subsection, the term 'licensed physician's certificate' shall include only those certificates signed by physicians licensed under Chapter 34 of Title 43."~~

SECTION 4.

Said chapter is further amended by striking Code Section 19-3-37, relating to parental consent to marriage of underage applicants, when necessary, and how obtained, and inserting in lieu thereof the following:

"19-3-37.

(a) *Definitions.* As used in this Code section, the term:

(1) 'Guardian' shall be held to include the same relationships between spouses as the relationships described in paragraph (2) of this subsection between parents and means:

(A) Any person at least five years older than the applicant standing in loco parentis to the applicant for at least two years;

(B) Any person at least five years older than the applicant with whom the applicant has lived for at least two years and who has or would be allowed to claim the applicant as a dependent for the purposes of a federal dependent income tax deduction;

(C) Any relative by blood or marriage at least five years older than the applicant and with whom the applicant has lived at least two years, when the whereabouts of the applicant's parents are unknown; or

(D) A court appointed guardian.

(2) 'Parent' means:

(A) Both parents if the parents are living together;

(B) The parent who has legal custody if the parents are divorced, separated, or widowed; or

(C) Either parent if the parents are living together but one parent is unavailable because of illness or infirmity or because he or she is not within the boundaries of this state or because physical presence is impossible.

(b) *When parental consent required; how obtained.* ~~Except when the female applicant is pregnant or when both applicants are the parents of a living child born out of wedlock, in~~ In cases where the parties applying for a license ~~have not yet reached the age of majority~~ are 16 or 17 years of age, their ages to be proved to the judge of the probate court as provided in Code Section 19-3-36, the parents or guardians of each underage applicant ~~must~~ shall appear in person before the judge and consent to the proposed marriage, provided that if physical presence because of illness or infirmity is impossible, an affidavit by the incapacitated parent or guardian along with an affidavit signed by a licensed attending physician stating that the parent or guardian is physically incapable of being present shall suffice. The licensed attending physician shall include only those physicians licensed under Chapter 34 of Title 43 or under corresponding requirements pertaining to licensed attending physicians in sister states.

(c) *Alternative methods for obtaining parental consent.*

(1) When the parents or guardians of any underage applicants requiring parental consent reside within the state but in a county other than the county where the marriage license is to be issued, it shall not be necessary for the parents or guardians to appear in person before the judge of the probate court of the latter county and consent to the proposed marriage, if the parents or guardians appear in person and consent to the proposed marriage before the judge of the county in which they reside.

(2) Where the parents or guardians of any underage applicants requiring parental consent reside outside the state, it shall not be necessary for the parents or guardians to appear in person before the judge of the probate court and consent to the proposed marriage, if the parents or guardians appear in person before the judicial authority of

their county who is authorized to issue marriage licenses and consent to the proposed marriage before the judicial authority. If the parents or guardians are physically incapable of being present because of illness or infirmity, the illness or infirmity may be attested to by an attending physician licensed in such state, as is provided for in subsection (a) of this Code section.

(3) Where the alternate provisions for parental consent are utilized under paragraph (1) or (2) of this subsection, the parents or guardians shall obtain a certificate from the judge of the probate court or the proper judicial officer before whom they have appeared with the seal and title of the official appearing thereon, the certificate containing information to the effect that the parents or guardians appeared before the judge or judicial officer and consented to the proposed marriage."

SECTION 5.

Said chapter is further amended by striking Code Section 19-3-28, relating to notification of parents of underage applicants and an additional fee, and inserting in lieu thereof the following:

"19-3-38.

~~The judge of the probate court shall be required, in all cases where parental consent is not required under Code Sections 19-3-2, 19-3-36, and 19-3-37, to notify the parents of any male or female 17 years of age or younger who applies for a marriage license. The parents shall be notified immediately by first class mail at their last known address. In license applications which require notification of parents under this Code section, the judge shall collect an additional fee of \$1.00, which shall be in addition to any other fee authorized by law.~~ Reserved."

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representative Mangham of the 94th moves to amend the Committee substitute to HB 1023 as follows:

Page 3 line 11 strike. Replace line 12 to original bill.

If either applicant is under the age of majority and within three (3) years of each other, parental consent shall be required, as provided in Code Section 19-3-37.

However, the age limitations contained in this paragraph shall not apply upon proof of pregnancy on the part of the female or in instances...

add on line 17 "if within age of three years of each applicant."

Line 17 strike "regardless of age."

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Crawford	N Hill, C.A	N Martin	Y Sailor
N Amerson	Y Cummings	N Holmes	N Maxwell	N Scheid
Y Anderson	N Davis	N Holt	N May	N Scott, A
N Ashe	N Day	N Horne	N McCall	N Scott, M
N Barnard	Dean	N Houston	E McClinton	N Setzler
N Barnes	N Dickson	Y Howard, E	N Meadows	N Shaw
N Bearden	N Dodson	Y Hudson	E Millar	N Sheldon
Beasley-Teague	N Dollar	Y Hugley	N Mills	Sims, C
Y Benfield	N Drenner	Y Jackson	Mitchell	Y Sims, F
N Benton	Y Dukes	N Jacobs	Y Morgan	Sinkfield
N Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	N Jamieson	Y Mosby	N Smith, L
N Borders	N Epps	Jenkins	N Mosley	N Smith, P
Bridges	N Everson	N Jennings	Y Mumford	N Smith, R
Y Brooks	N Fleming	Y Johnson	N Murphy, J	N Smith, T
N Brown	N Floyd, H	N Jones, J	N Murphy, Q	N Smith, V
N Bruce	N Floyd, J	N Jones, S	N Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	N Oliver	Y Stanley-Turner
N Buckner, D	N Forster	N Keen	N O'Neal	N Stephens
N Buckner, G	N Franklin	N Keown	N Orrock	Y Stephenson
N Burkhalter	N Freeman	N Kidd	Y Parham	N Talton
N Burmeister	N Gardner	N Knight	Y Parrish	N Teilhet
N Burns	N Geisinger	N Knox	N Parsons	N Thomas, A.M
N Butler	N Golick	Y Lakly	Y Porter	N Thomas, B
N Byrd	N Graves, D	Y Lane, B	N Powell	N Tumlin
N Carter	N Graves, T	N Lane, R	N Ralston	N Walker
N Casas	N Greene	N Lewis	Y Randall	N Warren
N Chambers	N Hanner	N Lindsey	N Ray	Y Watson
N Channell	N Harbin	N Lord	N Reece, B	N Wilkinson
N Cheokas	N Hatfield	N Loudermilk	N Reece, S	N Willard
N Coan	N Heard, J	Y Lucas	N Reese	N Williams, A
N Cole	N Heard, K	N Lunsford	N Rice	Y Williams, E
N Coleman, B	Y Heckstall	N Maddox	N Roberts	N Williams, R
N Coleman, T	N Hembree	Y Mangham	E Rogers	N Wix
N Cooper	Y Henson	E Manning	N Royal	N Yates
N Cox	N Hill, C	N Marin	N Rynders	Richardson, Speaker

On the adoption of the amendment, the ayes were 36, nays 132.

The amendment was lost.

The Committee substitute was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
N Anderson	Y Davis	N Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	N McCall	Y Scott, M
N Barnard	Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
N Benfield	Y Drenner	N Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	N Morgan	Sinkfield
Y Black	Y Ehrhart	N James	Y Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	N Mosby	Y Smith, L
Y Borders	Y Epps	Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	N Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	N Fludd	N Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	N Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	N Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	N Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	N Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	N Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
N Coleman, T	Y Hembree	N Mangham	E Rogers	Y Wix
Y Cooper	N Henson	E Manning	N Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 142, nays 27.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Beasley-Teague of the 65th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

The Speaker announced the House in recess until 1:15 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

The following Resolutions of the House were read:

HR 1533. By Representatives Coleman of the 144th and Porter of the 143rd:

A RESOLUTION commending Mr. Sherwin Glass; and for other purposes.

HR 1539. By Representatives Benfield of the 85th, Smyre of the 132nd, Watson of the 91st, Hanner of the 148th, Carter of the 159th and others:

A RESOLUTION remembering the life of Honorable Eleanor L. Richardson, former member of the House of Representatives; and for other purposes.

HR 1540. By Representative Hembree of the 67th:

A RESOLUTION commending Ms. Rebecca Rowlett Rutledge on her service to the Georgia Department of Education; and for other purposes.

HR 1541. By Representative Floyd of the 147th:

A RESOLUTION recognizing and commending the Slosheye Trail Big Pig Jig; and for other purposes.

HR 1542. By Representative Smith of the 113th:

A RESOLUTION congratulating Mrs. Willie Oaks on the occasion of her 100th birthday; and for other purposes.

HR 1543. By Representative Davis of the 109th:

A RESOLUTION congratulating Eagles Landing Christian Academy on winning the 109th District Art Project contest; and for other purposes.

HR 1544. By Representative Jones of the 44th:

A RESOLUTION congratulating Stefanie Feldman on being named a Distinguished Finalist in the Prudential Spirit of Community Awards and commending her on her service to the community; and for other purposes.

HR 1545. By Representatives Loudermilk of the 14th, Day of the 163rd, Lunsford of the 110th, Lewis of the 15th, Wix of the 33rd and others:

A RESOLUTION commending the volunteers of the Civil Air Patrol and recognizing March 16, 2006, as Civil Air Patrol Day at the Capitol; and for other purposes.

HR 1546. By Representative Franklin of the 43rd:

A RESOLUTION commending and congratulating Adria Hampton; and for other purposes.

On the adoption of the Resolutions, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Hill, C.A	Martin	Sailor
Amerson	Cummings	Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Dollar	Y Hugley	Mills	Y Sims, C
Benfield	Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Dukes	Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Smith, B
Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Epps	Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Brooks	Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Fludd	Jordan	Oliver	Y Stanley-Turner
Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Gardner	E Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Butler	Golick	Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Lane, B	Powell	Tumlin
Carter	Y Graves, T	Y Lane, R	Y Ralston	Walker
Y Casas	Greene	Y Lewis	Randall	Warren
Y Chambers	Hanner	Y Lindsey	Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	E Reece, S	Y Willard
Coan	Heard, J	Y Lucas	Reese	Y Williams, E
Y Cole	Y Heard, K	Y Lunsford	Rice	Y Williams, R
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Wix
Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Yates
Cooper	Henson	E Manning	Y Royal	Williams, A
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson,
				Speaker

On the adoption of the Resolutions, the ayes were 104, nays 0.

The Resolutions were adopted.

Due to a mechanical malfunction, the vote of Representative Lane of the 158th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representatives Jacobs of the 80th and Jenkins of the 8th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Burmeister of the 119th moved that the following Bill of the House be withdrawn from the Rules Calendar and recommitted to the Committee on Rules:

HB 935. By Representatives Burmeister of the 119th, Ehrhart of the 36th, Hembree of the 67th, Henson of the 87th, Buckner of the 130th and others:

A BILL to be entitled an Act to amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to regulation of controlled substances, so as to revise the definition of "practitioner"; to amend Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to the "Georgia Registered Professional Nurse Practice Act," so as to provide for an advanced practice registered nurse to execute drug orders and to provide professional samples; to amend Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to delegation of authority to a nurse or physician's assistant, so as to provide for prescriptive authority of advanced practice registered nurses; to delete a provision relating to a Drug Enforcement Administration license; to provide for related matters; to repeal conflicting laws; and for other purposes.

On the motion, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Hill, C.A	Martin	Sailor
Amerson	Cummings	Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Dollar	Y Hugley	Mills	Y Sims, C
Benfield	Drenner	Jackson	Mitchell	Y Sims, F
N Benton	Y Dukes	Jacobs	Morgan	Sinkfield
Y Black	Ehrhart	James	Y Morris	Smith, B
Bordeaux	Y England	N Jamieson	Mosby	Y Smith, L
N Borders	Epps	Jenkins	Y Mosley	Y Smith, P

Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Brooks	Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	E Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Butler	Golick	N Lakly	Y Porter	N Thomas, B
Y Byrd	Y Graves, D	Lane, B	Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Greene	Y Lewis	Randall	N Warren
Y Chambers	Y Hanner	Y Lindsey	Ray	Y Watson
Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	E Reece, S	Y Willard
Coan	Heard, J	Lucas	Reese	Williams, A
Y Cole	Y Heard, K	Y Lunsford	Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	E Rogers	Y Wix
Y Cooper	Henson	E Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the motion, the ayes were 107, nays 6.

The motion prevailed.

Representative Jenkins of the 8th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The Speaker Pro Tem assumed the Chair.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1170. By Representatives Parsons of the 42nd, Williams of the 4th, Hembree of the 67th, Heard of the 104th, Smith of the 70th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to change certain provisions relating to examination fees for application for certificate of registration; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to change certain provisions relating to the Board of Cosmetology; to change certain provisions relating to examination fees for application for certificate of registration; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, is amended by striking subsection (c) of Code Section 43-10-2, relating to creation of the Board of Cosmetology, and inserting in lieu thereof the following:

"(c) The board shall meet as necessary each year for the purpose of ~~holding examinations~~, adopting rules and regulations, and handling other matters pertaining to duties of the board. Board members may attend and observe all written and practical examinations held for certificates of registration pursuant to this chapter.

SECTION 2.

Said chapter is further amended by striking Code Section 43-10-9, relating to application for certificate of registration, examination, work permit, reciprocity, study at technical college or public school, and eligibility of licensed barber, and inserting in lieu thereof the following:

"43-10-9.

(a) Any person desiring to obtain a certificate of registration to enable him or her to engage in the occupation of cosmetology shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 17 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1,500 credit hour study course with at least nine months at a board approved school or has served as an apprentice in a beauty shop or beauty salon for a period of at least 3,000 credit hours; has practiced or studied the occupation of cosmetology; is possessed of the requisite skill in such occupation to perform properly all the duties of the occupation, including his or her ability in the preparation of tools, in performing the services mentioned in paragraph (4) of Code Section 43-10-1, and in all the duties and services incident thereto; ~~has paid to the division director an examination fee in such amount as shall be set by the board by regulation; and has presented himself or herself at the next meeting of the board held for examination of applicants at which such person is scheduled for examination and~~ has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to him or her entitling him or her to practice the occupation of master cosmetologist. Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education requirements under

this subsection in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course as of June 30, 2000.

(b) Should an applicant under this Code section fail to pass the written or the practical examination, the board shall furnish the applicant a statement in writing, stating wherein the applicant was deficient. Nothing in this chapter shall be construed to prevent applicants from making subsequent applications to qualify under this Code section, provided they again pay the required examination fee.

(c) An approved applicant for examination under this Code section may be issued a work permit authorizing said applicant to practice such occupation until the release of the results of the written and the practical examination for which the applicant is scheduled. If the applicant fails to appear for the examination or fails any portion of the examination, the work permit shall be revoked unless the applicant provides just cause to the board as to why the applicant was unable to appear for the examination.

(d) Should an applicant have a current cosmetology license in force from another state or country, or territory of the United States, or the District of Columbia, where similar reciprocity is extended to this state and licensure requirements are substantially equal to those in this state, ~~and have paid to the division director a fee in such amount as shall be set by the board by regulation~~ and pays a fee and submits an application, the applicant may be issued, without examination, a certificate of registration at the appropriate level, entitling the applicant to practice the occupation of cosmetology or the teaching of cosmetology at that level, unless the board, in its discretion, sees fit to require a written or a practical examination subject to the terms and provisions of this chapter. Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education or experience requirements applicable to any person who holds a current license or certificate to practice cosmetology outside of this state and who desires to obtain a license or certificate at a level authorized under this Code section to practice at such level in this state in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate.

(e) Any person desiring to obtain a certificate of registration at the esthetician level under the terms of this chapter shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 17 years of age; has met the minimum educational requirements; is of good moral character; has completed a 1,000 credit hour study course of at least nine months at a board approved school or has served as an apprentice in a beauty shop or beauty salon for a period of at least 2,000 credit hours; has practiced or studied cosmetic skin care as defined in paragraph (5) of Code Section 43-10-1; is possessed of the requisite skill to perform properly these services; ~~has paid to the division director an examination fee in such amount as shall be set by the board by regulation; and has presented himself or herself at the next meeting of the board for examination of applicants at which such~~

~~person is scheduled for examination~~ and has passed a written and a practical examination approved by the board, a certificate of registration shall be issued to the applicant entitling the applicant to practice the occupation of cosmetology at the esthetician level. Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education requirements under this subsection in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course as of June 30, 2000.

(f) Any person desiring to obtain a certificate of registration at the nail technician level under the terms of this chapter shall make application through the division director to the board and shall present proof that he or she has obtained a high school diploma, a general educational development (GED) diploma, or a postsecondary education or college degree. If, after review of the application, it is determined that the applicant is at least 17 years of age; has met the minimum educational requirements; is of good moral character; has completed a 525 credit hour study course of at least four months at a board approved school or has served as an apprentice in a beauty shop or beauty salon for a period of at least 1,050 credit hours; has practiced or studied nail care; is possessed of the requisite skill to perform properly these services; ~~has paid to the division director an examination fee in such amount as shall be set by the board by regulation; and has presented himself or herself at the next meeting of the board held for examination of applicants at which such person is scheduled for examination~~ and has passed both a written and a practical examination approved by the board, a certificate of registration shall be issued to the applicant entitling the applicant to practice the occupation of cosmetology at the nail technician level. Notwithstanding any other provisions of this subsection, the board shall be authorized to waive any education requirements under this subsection in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate with respect to any applicant who was enrolled in a board approved school or had completed a board approved study course as of June 30, 2000.

(g) Nothing in this Code section shall be construed as preventing a person from obtaining a certificate of registration for the occupation of cosmetology at the master level, the esthetician level, or the nail technician level if such person obtains his or her credit hour study at a State Board of Education approved school or a technical college under the jurisdiction of the Department of Technical and Adult Education or the Department of Education rather than at a board approved school.

(h) A person licensed to practice barbering under Chapter 7 of this title shall be eligible to take the master cosmetologist examination provided for in this Code section if that person completes a board approved 250 hour prescribed course in an approved cosmetology school, submits a completed application, and pays the proper fees established by the board.

(i) Board members may attend and observe all written and practical examinations held for certificates of registration pursuant to this Code section."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Martin	Sailor
Amerson	Cummings	Y Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Stephenson
Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	E Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	E Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	E Rogers	Y Wix
Y Cooper	Henson	E Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 132, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Jenkins of the 8th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 1145. By Representatives Ralston of the 7th, Mumford of the 95th and Forster of the 3rd:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to change provisions relating to mental health proceedings; to provide for definitions; to reorganize certain provisions of the article for clarity; to require a child to be represented by an attorney if the child is being evaluated for competency; to change certain provisions relating to the content of an evaluator's report; to provide for least restrictive environments, where possible; to provide certain information to victims; to provide for disposition where a child will not become competent; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to change provisions relating to mental health proceedings; to provide for definitions; to reorganize certain provisions of the article for clarity; to require a child to be represented by an attorney if the child is being evaluated for competency; to change certain provisions relating to the content of an evaluator's report; to provide for least restrictive environments, where possible; to provide certain information to victims; to provide for disposition where a child will not become competent; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by striking Article 4, relating to mental health, and inserting in lieu thereof the following:

"ARTICLE 4

15-11-149.

(a) *Study and report.* If, at any time, the evidence indicates that a child may be suffering from mental retardation or mental illness, the court may commit the child to an appropriate institution, agency, or individual for study and report on the child's mental condition.

(b) *Determination of disability.* The juvenile court judge shall determine whether a child has been determined to be handicapped as defined in 20 U.S.C. Sections 1401(a)(1) and 1401(a)(15). If there is an Individualized Education Program (IEP) as defined in 20 U.S.C. Section 1401(a)(20), it shall be made a part of the dispositional hearing record.

(c) *Commitment.* If it appears from the study and report undertaken pursuant to subsection (a) of this Code section that the child is committable under the laws of this state as a mentally retarded or mentally ill child, the court shall order the child detained and shall proceed within ten days to commit the child to the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department of Human Resources.

(d) *Other disposition or transfer.* If the child is found not to be committable, the court shall proceed to the disposition or transfer of the child as otherwise provided by Article 1.

(e) *Applicability of Code Section 15-11-62.* The provisions of Code Section 15-11-62 shall not apply to any child 13 to 15 years of age who is found to be suffering from mental illness or mental retardation. Any such child shall not be committed to the Department of Corrections but shall be committed to the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department of Human Resources as provided in this Code section.

15-11-150.

(a) The purpose of this article is to:

(1) Set forth procedures for a determination of mental incompetency and a declaration of dependency for any child while the child is determined to be not mentally competent; and

(2) Provide a mechanism for the development and implementation of a mental competency plan for treatment, habilitation, support, or supervision, within current resources, for any child who is determined to be not mentally competent to participate in an adjudication or disposition hearing and is adjudicated dependent upon the court.

(b) The provisions of this article shall not apply to any case in which the superior court has jurisdiction pursuant to Code Section 15-11-62.

15-11-151.

As used in this article, the term:

- (1) 'Dependent' means a child who is alleged to have committed a delinquent or unruly act, is found not mentally competent to stand trial by the court, and has charges pending which have not been dismissed by the court.
- (2) 'Judge' means any judge, associate judge, or judge pro tempore of the court exercising jurisdiction over juvenile matters.
- (3) 'Mental competency plan' means an interagency treatment, habilitation, support, or supervision plan developed at an interagency meeting of state or local agency representatives, parties, and other interested persons, which is achievable within the limits of current resources, following a court's finding that a child is not mentally competent and dependent upon the court and submitted to the court for approval as part of the disposition of the dependency case. The goal of a mental competency plan is supervision, to bring or restore the child to mental competency such that he or she is able to participate in adjudication, a disposition hearing for delinquency or unruliness, or a proceeding regarding transfer to superior court.
- (4) 'Mental competency proceedings' means hearings conducted to determine whether a child is mentally competent to participate in adjudication, a disposition hearing, or a transfer proceeding held pursuant to this chapter.
- (5) 'Mentally competent' means having sufficient present ability to understand the nature and objectives of the proceedings, against himself or herself, to comprehend his or her own situation in relation to the proceedings, and to render assistance to the defense attorney in the preparation and presentation of his or her case in all adjudication, disposition, or transfer hearings held pursuant to this chapter. The child's age or immaturity may be used as the basis for determining the child's competency.
- (6) 'Mentally ill' means having a disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.
- (7) 'Mental retardation' means a state of significant subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and originating in the developmental period.
- (8) 'Plan manager' means a person who is under the supervision of the court and is appointed by the court to convene a meeting of all relevant parties for the purpose of developing a mental competency plan. Said person is responsible for collecting all previous histories of the child including evaluations, assessments, and school records.
- ~~(7)~~(9) 'Qualified examiner' means a licensed psychologist or psychiatrist who has expertise in child development and has received training in forensic evaluation procedures through formal instruction, professional supervision, or both.

15-11-152.

- (a) If at any time after the filing of a petition alleging delinquency or unruliness the court has reason to believe that the child named in the petition may not be mentally competent, the court on its own motion or on the motion of the attorney representing the child, any guardian ad litem for the child, the child's parent or legal guardian, or the

attorney representing the state may stay all delinquency or unruly conduct proceedings relating to that petition and order an evaluation of the child's mental condition. Prior to the administration of any such evaluation, the court shall appoint an attorney to represent the child if the child is not yet represented by counsel. All time limits under Article 1 of this chapter for adjudication and disposition of that petition are tolled during the evaluation, adjudication, and disposition phases of the mental competency proceeding.

(b) An evaluation ordered under subsection (a) of this Code section shall be conducted by a qualified examiner who shall consider whether the child is mentally competent. If the qualified examiner determines that the child is not competent, the qualified examiner shall complete a full mental health evaluation, study, and report pursuant to Code Section 15-11-149. If the basis for questioning the child's mental competency concerns a problem with intellectual functioning, mental retardation, mental illness, maturity, or a learning disability, the qualified examiner must be a licensed psychologist. The ~~probation officers of~~ juvenile court shall provide the qualified examiner with any law enforcement or court records necessary for understanding the petition alleging delinquency or unruliness. The attorney for the child may provide the qualified examiner with any records from any other available sources that are deemed necessary for the mental competency evaluation.

(c) A qualified examiner who conducts an evaluation under subsection (b) of this Code section shall submit a written report to the court, within 30 days from receipt of the court order requiring the evaluation, which report shall contain the following:

- (1) The reason for the evaluation;
- (2) The evaluation procedures used, including any psychometric instruments administered, any records reviewed, and the identity of any persons interviewed;
- (3) Any available pertinent background information;
- (4) The results of a mental status exam, including the diagnosis and description of any psychiatric symptoms, cognitive deficiency, or both;
- (5) A description of abilities and deficits in the following mental competency functions:
 - (A) The ability to understand and appreciate the nature and object of the proceedings;
 - (B) The ability to comprehend his or her situation in relation to the proceedings; and
 - (C) The ability to render assistance to the defense attorney in the preparation of his or her case;
- (6) An opinion regarding the potential significance of the child's mental competency, strengths, and deficits; ~~and~~
- (7) An opinion regarding whether or not the child should be considered mentally competent; and
- (8) A specific statement for the basis for a determination of incompetence.

(d) If, in the opinion of the qualified examiner, the child should not be considered mentally competent, the qualified examiner shall complete a full mental health

evaluation and report pursuant to Code Section 15-11-149, and such report shall also include the following:

- (1) A diagnosis made as to whether there is a substantial probability that the child will attain mental competency to participate in adjudication, a disposition hearing, and a transfer hearing in the foreseeable future;
 - (2) A recommendation as to the appropriate treatment setting and whether residential or nonresidential treatment is required or appropriate;
 - (3) Where appropriate, recommendations ~~Recommendations~~ for the general level and type of remediation necessary for significant deficits; and
 - (3)(4) Where appropriate, recommendations ~~Recommendations~~ for modifications of court procedure which may help compensate for mental competency weaknesses.
- (e) The court in its discretion may grant the qualified examiner an extension in filing the evaluation report.
- (f) Copies of the written evaluation report shall be provided by the court to the attorney representing the child, the attorney representing the state, the ~~district attorney~~ prosecuting attorney or a member of his or her staff, and any guardian ad litem for the child no later than five working days after receipt of the report by the court.
- (g) Upon a showing of good cause by any party or upon the court's own motion, the court may order additional examinations by other qualified examiners. In no event shall more than one examination be conducted by a qualified examiner employed by the Department of Human Resources.
- (h) No statement made by a child or information obtained in the course of an evaluation, hearing, or other proceeding provided for in this Code section, whether the evaluation is with or without the consent of the child, shall be admitted into evidence against the child in any future proceeding in the state's case-in-chief.

15-11-153.

(a) A hearing ~~of~~ to determine mental competency shall be conducted within 60 days after the initial court order for evaluation. At least ten days' prior written notice of the hearing shall be transmitted to the child, any parent, guardian, or other legal custodian of the child, any guardian ad litem for the child, the attorney representing the child, and the attorney representing the state. Ten days' prior written notice of the hearing shall be served on the ~~district attorney~~, prosecuting attorney for all mental competency proceedings in which the ~~district attorney~~ prosecuting attorney, or a member of the ~~district attorney's~~ prosecuting attorney's staff, may participate. The hearing may be continued by the court for good cause shown.

(b) The burden of proving that the child is not mentally competent shall be on the child. The standard of proof necessary for proving mental incompetency shall be a preponderance of the evidence.

(c) At the hearing ~~of~~ to determine mental competency, the attorney representing the child and the attorney representing the state shall have the right to:

- (1) Present evidence;
- (2) Call and examine witnesses;

- (3) Cross-examine witnesses; and
- (4) Present arguments.

The qualified examiner appointed by the court shall be considered the court's witness and shall be subject to cross-examination by both the attorney representing the child and the attorney representing the state.

~~(e)(d)~~ The court's findings of fact shall be based on any evaluations of the child's mental condition conducted by qualified examiners appointed by the court and any evaluations of the child's mental condition conducted by independent evaluators hired by the parties and any additional evidence presented. ~~The burden of proving that the child is not mentally competent shall be on the child. The standard of proof necessary for proving mental incompetency shall be a preponderance of the evidence. Copies of the court's findings shall be transmitted to the same parties to whom notice of the hearing was provided within ten days following the issuance of those findings.~~

~~(d)(e)~~ If the court finds that the child is mentally competent, the proceedings which have been suspended shall be resumed and the time limits under Article 1 of this chapter for adjudication and disposition of the petition shall begin to run from the date of the order finding the child mentally competent.

~~(e)(f)~~ If the court finds that the child is not mentally competent, the child ~~may~~ shall be adjudicated dependent by the court. ~~If the court determines that a child alleged to have committed an act which is a misdemeanor if committed by an adult or an unruly act is not mentally competent, and the child is adjudicated dependent, the court may dismiss the petition without prejudice. A child who is thus found not to be mentally competent shall not be subject to discretionary transfer to superior court, adjudication, disposition, or modification of disposition as long as such mental incompetency exists. At the time the child is adjudicated dependent upon the court, the court shall appoint a guardian ad litem to represent the best interests of the child if a guardian ad litem has not been appointed previously.~~

(g) All court orders determining incompetency shall include specific written findings by the court as to the nature of the incompetency and whether the child requires a secure or nonsecure treatment.

(h) Copies of the court's findings shall be transmitted to the same parties to whom notice of the hearing was provided within ten days following the issuance of those findings.

15-11-153.1.

(a) If the court determines that a child is mentally incompetent, is dependent, is alleged to have committed an unruly act or an act which would be a misdemeanor if committed by an adult, the court may dismiss the petition without prejudice.

(b) A child who is found to be mentally incompetent shall not be subject to discretionary transfer to superior court, adjudication, disposition, or modification of disposition provided that the mental incompetency exists.

15-11-153.2.

(a) If at any time following an adjudication of dependency, the court determines that the child is a resident of a county of this state other than the county in which the court sits, the court may transfer the proceeding to the county of the child's residence unless the act alleged would be a felony if committed by an adult.

(b) When any case is transferred pursuant to this Code section, certified copies of all legal, social history, health, or mental health records pertaining to the case on file with the clerk of the court shall accompany the transfer. Compliance with this Code section shall terminate jurisdiction in the sending court and initiate jurisdiction in the receiving court.

(c) If the child's mental competency is restored, jurisdiction of the case may be returned to the sending court.

15-11-154.

~~(a) If at any time following an adjudication of dependency, the court determines that the child is a resident of a county of this state other than the county in which the court sits, the court may transfer the proceeding to the county of the child's residence unless the act alleged would be a felony if committed by an adult. When any case is transferred pursuant to this Code section, certified copies of all legal, social history, health, or mental health records pertaining to the case on file with the clerk of the court shall accompany the transfer. Compliance with this Code section shall terminate jurisdiction in the sending court and initiate jurisdiction in the receiving court. If the child's mental competency is restored, jurisdiction of the case may be returned to the sending court.~~

~~(b)~~ Upon an adjudication of dependency, the court having jurisdiction of the case shall appoint a plan manager who may be any guardian ad litem for the child or may be any other person who is under the supervision of the court. The person so appointed shall submit a mental competency plan to the court within 30 days of the court's adjudication of dependency. That plan shall include the following:

(1) The specific deficits the plan is attempting to address, including supervision, mental competency, or mental competency restoration;

(2) An outline of the specific provisions for supervision of the child for protection of the community and the child;

(3) An outline of a plan designed to provide for treatment, habilitation, support, or supervision services in the least restrictive environment achievable within the limits of current resources; ~~and~~

(4) If the plan recommends treatment in a secure environment, certification by the plan manager that all other appropriate community based treatment options have been exhausted; and

~~(4)(5)~~ Identification of all parties, including the child, agency representatives, and other persons responsible for each element of the plan.

The court in its discretion may grant the plan manager an extension in filing the mental competency plan.

~~(e)~~(b)(1) The mental competency plan shall be developed at a meeting of all relevant parties convened by the plan manager. The plan manager shall request that the following persons attend the meeting:

- (A) Any parent, guardian, or other legal custodian of the child;
- (B) The attorney representing the child;
- (C) The attorney representing the state;
- (D) Any guardian ad litem of the child;
- (E) Mental health or mental retardation representatives;
- (F) Any probation officer or caseworker who works with the child; ~~and~~
- (G) A representative from the child's school; and
- (H) Any family member of the child who has shown an interest and involvement in the child's well-being.

(2) The plan manager may request that other relevant persons attend the mental competency plan meeting including but not limited to the following:

- (A) A representative from the division of public health;
- (B) A child protective services worker; and
- (C) Representatives of the public and private resources to be utilized in the plan; ~~and~~
- ~~(D) Any family member of the child who has shown an interest and involvement in the child's well-being.~~

(3) The plan manager shall be responsible for collecting all previous histories of the child, including but not limited to previous evaluations, assessments, and school records, and for making such histories available for consideration by the persons at the meeting.

(4) Before the disposition hearing and review hearings, the plan manager shall be responsible for convening a meeting of all parties and representatives of all agencies.

(5) The plan manager and persons enumerated in paragraph (1) of subsection (b) of this Code section shall identify to the court any person who should provide testimony at such hearing.

(6) The plan manager shall be responsible for monitoring the competency plan, presenting to the court amendments to such plan as needed, and presenting evidence to the court for the reapproval of such plan at subsequent review hearings.

15-11-155.

(a) The court shall hold a disposition hearing for the purpose of approving the mental competency plan within 30 days after the mental competency plan has been submitted to the court. Thereafter, the court shall hold a hearing for the purpose of reviewing the child's condition and approving the mental competency plan every six months during the child's dependency. ~~Before the disposition hearing and any review hearings, the plan manager shall be responsible for convening a meeting of all parties, representatives of all agencies, and other persons responsible for the plan and for identifying to the court any persons who should provide testimony at such hearing.~~

(b) The persons required to be notified of the mental competency disposition hearing and witnesses identified by the plan manager shall be given at least ten days' prior notice of the disposition hearing and any subsequent hearing to review the child's condition and shall be afforded an opportunity to be heard at any such hearing. The victim, if any, of the child's delinquent or unruly act shall also be provided with the same ten days' prior notice regarding any such hearing and shall be afforded an opportunity to be heard and to present a victim impact statement to the court at any such hearing. The judge shall make a determination regarding sequestration of witnesses in order to protect the privileges and confidentiality rights of the child.

(c) At the disposition hearing, the court shall enter an order incorporating a mental competency plan as part of the disposition. At the time of disposition, a child who has been adjudicated a dependent of the court shall be placed in an appropriate treatment setting. If a dependent child is housed in a detention or youth development facility at the time of disposition, such child shall be moved to an appropriate treatment setting within five business days.

(d) If the court determines at any time that the child will not become competent to proceed, the court may dismiss the delinquency petition. If, at the end of the two-year period following the date of the order of incompetence, the child has not attained competence and there is no evidence that the child will attain competence within a year, the court shall dismiss the delinquency petition. If appropriate, the court may order that civil commitment proceedings be initiated. Such proceedings shall be instituted not less than 60 days prior to the dismissal of the delinquency petition.

~~If, upon subsequent review, the court determines that the child may be mentally competent, the court shall proceed as provided in Code Sections 15-11-152, 15-11-153, and 15-11-154 and enter findings of fact as to the child's mental competency.~~

~~(f)~~(e) The prosecuting attorney or a member of the prosecuting attorney's staff may seek civil commitment pursuant to Chapters 3 and 4 of Title 37. If, during the disposition hearing or any subsequent review hearing, the court determines that the child meets criteria for commitment and that services are available under the relevant laws for commitment to any agency or agencies for treatment, habilitation, support, or supervision, the court may commit the child to an appropriate agency or agencies for services under applicable law.

~~(d)~~(f) At any time, in the event of a change in circumstances regarding the child, the court on its own motion or on the motion of the attorney representing the child, any guardian ad litem for the child, the attorney for the state, or the plan manager may set a hearing for review of the mental competency plan and any proposed amendments to that plan. The court may issue an appropriate order incorporating an amended mental competency plan.

~~(e)~~(g) At the disposition hearing and at every review hearing, the court shall consider whether the petition alleging delinquency or unruliness should be withdrawn, maintained, or dismissed, without prejudice, upon grounds other than the child's not being mentally competent. If the court dismisses the petition, the state may seek to refile petitions alleging felonies if the child is later determined to be mentally

competent. The state may also seek transfer to superior court if the child is later determined to be mentally competent.

~~(f) The district attorney or a member of his or her staff may seek civil commitment pursuant to Chapters 3 and 4 of Title 37. If, during the disposition hearing or any subsequent review hearing, the court determines that the child meets criteria for commitment and that services are available under the relevant Code provisions for commitment to any agency or agencies for treatment, habilitation, support, or supervision, the court may commit the child to an appropriate agency or agencies for services under applicable law.~~

~~(g)~~(h)(1) If the court determines that a child alleged to have committed an act which is a felony if committed by an adult is not mentally competent and the child is adjudicated as a dependent, the court shall retain jurisdiction of the child for up to two years after the date of the order of adjudication. The order may be extended for additional two-year periods as provided in subsection (a) of Code Section 15-11-58.1.

(2) If the court determines that a child alleged to have committed an act which is a misdemeanor if committed by an adult or an unruly act is not mentally competent and the child is adjudicated as a dependent, the court shall retain jurisdiction of the child for up to 120 days following the disposition order incorporating the mental competency plan. The order may not be extended by the court.

~~(h)~~(i) If the court finds that a child is not mentally competent to stand trial, any party may file at any time a motion for a rehearing on the issue of the child's mental incompetency. The court shall grant such motion upon a showing by the moving party that there are reasonable grounds to believe that the child is now mentally competent. If this motion is granted, the court shall proceed as provided in Code Sections 15-11-152, 15-11-153, 15-11-153.1, 15-11-153.2, 15-11-154, and this Code section and shall enter findings of fact as to the child's mental competency.

~~(i)~~(j) If a child is under a mental competency plan when the child reaches the age of 18, the plan manager shall make a referral to appropriate adult services."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Y Hill, C.A	Y Martin	Sailor
Amerson	Cummings	Y Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	N Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw

Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	E Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	E Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	E Rogers	Y Wix
Y Cooper	Henson	E Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 144, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Jenkins of the 8th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The Speaker assumed the Chair.

HB 363. By Representatives Murphy of the 23rd, Rice of the 51st and Powell of the 29th:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, so as to change the requirements regarding replating of private and governmental motor vehicles; to increase the license fee on governmental vehicles; to provide for disposition of the license fee on

governmental vehicles; to remove the provisions regarding five-year license plates on governmental vehicles; to change the requirements as to destruction of tags from governmental vehicles; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, so as to change the requirements regarding replating of private and governmental motor vehicles; to increase the license fee on governmental vehicles; to provide for disposition of the license fee on governmental vehicles; to remove the provisions regarding five-year license plates on governmental vehicles; to change the requirements as to destruction of tags from governmental vehicles; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, is amended by striking subsections (b), (b.1), and (c) of Code Section 40-2-31, relating to design and replacement of license plates on private vehicles, and inserting in their place the following:

"(b) Such license plates shall be of metal at least six inches wide and not less than 12 inches in length, except motorcycle license plates which shall be at least four inches wide and not less than seven inches in length, and shall show in bold characters the month and year of registration expiration, the serial number, and either the full name or the abbreviation of the name of the state, shall designate the county from which the license plate was issued, and shall show such other distinctive markings as in the judgment of the commissioner may be deemed advisable, so as to indicate the class or weight of the vehicle for which the license plate was issued; and any license plate for a low-speed vehicle shall designate the vehicle as such. Such plates may also bear such figures, characters, letters, or combinations thereof as in the judgment of the commissioner will to the best advantage advertise, popularize, and otherwise promote Georgia as the 'Peach State.' The metal shall be of such strength and quality that the plate shall provide a minimum service period of at least five years. ~~Every five years a new metal license plate shall be provided by the commissioner for issuance. Metal license plates issued on or after January 1, 1997, shall be used for a period of five years~~ The commissioner shall adopt rules and regulations, pursuant to the provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' for the design and

issuance of new metal license plates and to implement the other provisions of this Code section.

~~(b.1) Any valid license plate or revalidation decal assigned to a vehicle under former provisions of this Code section prior to May 1, 1997, shall be deemed issued to the current registrant of such vehicle on May 1, 1997.~~

(c) The face of the license plate to be displayed shall be treated completely with a retroreflective material which will increase the nighttime visibility and legibility of the plate. The ~~Office of Highway Safety~~ department shall prepare the specifications which such retroreflective material shall meet."

SECTION 2.

Said article is further amended by striking Code Section 40-2-37, relating to registration and licensing of governmental motor vehicles, and inserting in its place the following:

"40-2-37.

(a) All vehicles of the type required to be registered by Code Section 40-2-20 owned by the State of Georgia or any municipality or other political subdivision of this state and used exclusively for governmental functions, except those employed in secret investigatory police functions to which regular Georgia license plates are issued, shall be registered with the commissioner by the fiscal officers or other proper officials of the respective departments and agencies of the state, municipality, or political subdivision to which such vehicles belong prior to operation and use thereof. Such registration shall be made upon forms prescribed and prepared by the commissioner for such purpose and shall contain a brief description of the vehicle to be registered; its name and model; the name of the manufacturer; the manufacturer's vehicle identification number; the department, agency, political subdivision, or branch thereof to which such vehicle is to be registered; and such other information as to use and identity as the commissioner may require. Upon the filing of the properly executed application for registration, the commissioner, upon being satisfied that such vehicle is bona fide owned by the state or a municipality or political subdivision thereof and is to be used exclusively for governmental functions, shall issue, upon payment by such applicant of a license fee of ~~\$1.00~~ \$3.00, a license plate which shall be displayed upon such vehicle in the same manner as provided for private vehicles. The license fee, less the actual manufacturing cost of the plates which will be retained by the department, shall be deposited in the general fund of the state treasury. Such license plates shall be replaced at such time as other license plates issued for private vehicles are required to be replaced.

(b) For all vehicles owned by the State of Georgia or any municipality or other political subdivision of this state, except those vehicles employed in covert or secret investigatory police functions to which regular Georgia license plates are issued and those vehicles owned by the Department of Public Safety, the commissioner shall provide for ~~five-year~~ registration and issuance of regular license plates for such vehicles. The ~~five-year~~ license plates issued pursuant to this subsection shall be identical in appearance to regular license plates issued for private vehicles, except that

~~such five-year license plates shall not display any year of registration or registration expiration. Such license plates may be transferred as provided for in subsection (d) of this Code section. Such five-year license plates shall be issued at the beginning of a five-year license period as for private vehicles or shall be issued at the time the vehicle is purchased by the state, and all such license plates shall expire at the same time as regular license plates.~~

(c) All license plates issued to government vehicles pursuant to this Code section shall be marked in such a manner as to indicate the specific type of governmental unit operating the vehicle. These markings shall be prominently displayed and shall consist of one of the following appropriate legends: 'STATE,' 'CITY,' 'COUNTY,' 'AUTHORITY,' or 'BOARD.' In addition, each such license plate shall bear a county identification strip indicating the county in which the vehicle is based except that vehicles owned by the state shall not be required to bear such county identification strip.

(d) Any such license plates shall remain displayed and affixed upon such vehicle so long as such vehicle continues to be owned by the state or such municipality or political subdivision and used exclusively for governmental functions. Upon cessation of either such ownership or use, the license plate shall be removed from such vehicle and ~~either destroyed by such agency or returned to the commissioner~~ or the county tag agent for destruction. ~~If a license plate has been destroyed by the agency, certification of such destruction shall be provided by the agency to the commissioner upon a form prepared and furnished for such purpose by the commissioner.~~ In the event of a transfer of a vehicle to a department or agency, or branch thereof, other than the specific one to which such vehicle is registered, the commissioner shall be notified in writing by the department or agency from which the same is being transferred upon a form prepared and furnished for such purpose by the commissioner. ~~Such transfer shall be recorded on the registration lists maintained by the commissioner.~~ On due proof of loss of any such license plate, or of mutilation due to accidental or natural causes, another license plate may be issued upon application of the fiscal officer or other proper official of the department, agency, or political subdivision to which any such lost plate is registered.

(e) No person, firm, or corporation owning or operating any such vehicle shall display upon the motor vehicle any license plate provided for in this Code section unless at the time of such ownership or operation such vehicle is properly registered under this Code section and is owned by the state or a municipality or political subdivision of this state and is being used exclusively for governmental purposes. Any person who violates this subsection shall be guilty of a misdemeanor.

(f) This Code section shall apply to all vehicle license plates issued for governmental vehicles on and after January 1, ~~1996~~ 2007."

SECTION 3.

This Act shall become effective on July 1, 2006.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Amerson	Cummings	Y Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	E Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	E Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	E Rogers	Y Wix
Y Cooper	Y Henson	E Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 150, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Jenkins of the 8th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1547. By Representative Jennings of the 82nd:

A RESOLUTION congratulating the "We the People: The Citizen and The Constitution" state contest winners from Lakeside High School and inviting them to appear before the House of Representatives; and for other purposes.

HR 1552. By Representatives Jones of the 44th, Jacobs of the 80th, Henson of the 87th, Ashe of the 56th, Wilkinson of the 52nd and others:

A RESOLUTION commending the Jewish Federation of Greater Atlanta and inviting representatives thereof to appear before the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1195. By Representatives Willard of the 49th, Tumlin of the 38th, Wilkinson of the 52nd, Geisinger of the 48th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia Civil Practice Act," so as to require complaints to be accompanied in filing with the civil case filing form; to require judgments to be accompanied in filing with the civil case disposition form; to change certain provisions relating to commencement of actions; to change certain provisions relating to entry of judgment; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia Civil Practice Act," so as to require complaints to be accompanied in filing with the civil case filing form; to require judgments to be accompanied in filing with the civil case disposition form; to change certain provisions relating to commencement of actions; to provide for amended civil case filing forms; to change certain provisions relating to

entry of judgment; to provide for confidential settlement agreements being excluded on civil case disposition forms; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia Civil Practice Act," is amended by striking Code Section 9-11-3, relating to commencement of actions, and inserting in lieu thereof the following:

"9-11-3.

(a) A civil action is commenced by filing a complaint with the court.

(b) At the time of filing the complaint for a civil action in superior court or state court, ~~or as soon as practicable thereafter~~, the plaintiff shall file the appropriate civil case filing form with the clerk of the court. The form shall contain complete information and shall be substantially in the form prescribed in Code Section 9-11-133. The filing of the complaint shall not be delayed for the filing of the case filing form. If, after a civil action has been filed, the court presiding over the civil action decides that the civil case filing form has not been filed or has been filed incorrectly, the court shall require the plaintiff to file the civil case filing form or an amended form. In no case shall the failure to accurately complete the civil case filing form required by this Code section provide a basis to dismiss a civil action."

SECTION 2.

Said chapter is further amended by striking subsection (b) of Code Section 9-11-58, relating to the entry of judgment and filing of the civil case disposition form, and inserting in lieu thereof the following:

"(b) *When judgment entered.* The filing with the clerk of a judgment, signed by the judge, with the fully completed civil case disposition form constitutes the entry of the judgment, and, unless the court otherwise directs, no judgment shall be effective for any purpose until the entry of the same, as provided in this subsection. ~~As part~~ At the time of the filing of the final judgment, a civil case disposition form shall be filed by the prevailing party or by the plaintiff if the case is settled, dismissed, or otherwise disposed of without a prevailing party; provided, however, that the amount of a sealed or otherwise confidential settlement agreement shall not be disclosed on the civil case disposition form. The form shall be substantially in the form prescribed in Code Section 9-11-133. If any of the information required by the form is sealed by the court, the form shall state that fact and the information under seal shall not be provided. The entry of the judgment shall not be made by the clerk of the court until the civil case disposition form is filed. The entry of the judgment shall not be delayed for the taxing of costs ~~or the filing of the case disposition form.~~"

SECTION 3.

This Act shall become on July 1, 2006, and shall apply to actions and judgments filed on or after July 1, 2006.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Crawford	N Hill, C.A	N Martin	Sailor
N Amerson	N Cummings	Y Holmes	N Maxwell	Scheid
Anderson	N Davis	N Holt	N May	N Scott, A
Y Ashe	N Day	N Horne	N McCall	N Scott, M
E Barnard	Y Dean	N Houston	E McClinton	Y Setzler
Y Barnes	N Dickson	Y Howard, E	N Meadows	N Shaw
N Bearden	N Dodson	N Hudson	E Millar	N Sheldon
Y Beasley-Teague	N Dollar	Y Hugley	N Mills	N Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
N Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	Y Jamieson	Y Mosby	N Smith, L
Y Borders	Y Epps	N Jenkins	Y Mosley	Y Smith, P
N Bridges	N Everson	Y Jennings	Y Mumford	N Smith, R
Y Brooks	Fleming	Y Johnson	N Murphy, J	N Smith, T
N Brown	Y Floyd, H	N Jones, J	Y Murphy, Q	N Smith, V
Y Bruce	N Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	N Keen	N O'Neal	N Stephens
Y Buckner, G	N Franklin	Y Keown	Y Orrock	Y Stephenson
N Burkhalter	N Freeman	Y Kidd	Parham	N Talton
N Burmeister	Y Gardner	E Knight	N Parrish	Y Teillet
N Burns	Y Geisinger	N Knox	Y Parsons	Y Thomas, A.M
N Butler	Y Golick	N Lakly	Y Porter	Y Thomas, B
N Byrd	N Graves, D	N Lane, B	Y Powell	Y Tumlin
N Carter	N Graves, T	Y Lane, R	Y Ralston	N Walker
N Casas	E Greene	N Lewis	Y Randall	Y Warren
Y Chambers	N Hanner	Y Lindsey	N Ray	Y Watson
N Channell	N Harbin	Lord	Y Reece, B	Y Wilkinson
N Cheokas	Y Hatfield	N Loudermilk	E Reece, S	Y Willard
N Coan	N Heard, J	Y Lucas	N Reese	Williams, A
N Cole	Y Heard, K	N Lunsford	Y Rice	Y Williams, E
Coleman, B	N Heckstall	N Maddox	N Roberts	N Williams, R
N Coleman, T	N Hembree	Mangham	E Rogers	N Wix
Y Cooper	Y Henson	E Manning	N Royal	N Yates
N Cox	N Hill, C	Marin	N Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 73, nays 86.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Coleman of the 97th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Willard of the 49th gave notice that at the proper time he would move that the House reconsider its action in failing to give the requisite constitutional majority to HB 1195.

HB 1292. By Representatives Keown of the 173rd, Neal of the 1st, Mills of the 25th, Buckner of the 130th, Borders of the 175th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to create a prison chaplains appreciation day; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to create a prison chaplains appreciation day; to repeal conflicting laws; and for other purposes.

WHEREAS, studies prove chaplaincy and faith based programs have the strongest capacity for redeeming, rehabilitating, and successfully moving inmates back into society; and

WHEREAS, with over 50,000 incarcerated, Georgia leads the nation in the percentage of its population in prison; and

WHEREAS, Georgia's state and county prisons are served by dedicated prison chaplains who bring hope into very difficult circumstances; and

WHEREAS, Georgia prison chaplains are asked to meet the spiritual and physical needs of thousands of inmates and staff with very limited resources; and

WHEREAS, chaplains positively impact inmate behavior and reduce recidivism rates, thereby contributing to the safety and well-being of Georgia.

NOW, THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, is amended by adding a new Code Section 1-4-16 to read as follows:

"1-4-16.

The fourth Monday in March of each year is designated and shall be observed as 'Prison Chaplains Appreciation Day' in all state and private correctional institutions in Georgia."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Scheid
Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
E Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	E Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Ray	Y Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	E Reece, S	Y Willard

Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Williams, R
Y Coleman, T	Y Hembree	Mangham	E Rogers	Y Wix
Y Cooper	Y Henson	E Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following Bill of the House was taken up for the purpose of considering the Senate amendment thereto:

HB 978. By Representatives Hill of the 21st and Smyre of the 132nd:

A BILL to be entitled an Act to amend Article 4 of Chapter 13 of Title 45 of the O.C.G.A., relating to the Georgia Capitol Museum, so as to create the Capitol Art Standards Commission; to provide for its membership and appointment; to provide for the terms of members of the commission and the filling of vacancies; to provide for duties and responsibilities; to provide a definition; to provide for the acceptance of certain funds; to provide limitations on the consideration and passage of bills and resolutions authorizing or requiring the display of certain artwork; to provide for related matters; to repeal Code Section 50-16-5.2 of the Official Code of Georgia Annotated, relating to the creation of the Georgia Art Policy Committee; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to *amend HB 978 by striking all matter on lines 6 and 7 of page 1 and inserting in its place the following:*

for the acceptance of certain funds; to provide a statement of legislative intent; to provide for

By striking the word and symbol "placement," on line 1 of page 3.

By striking the entire text of Code Section 45-13-74, beginning with line 29 of page 3 and ending with line 3 of page 6, and inserting in its place the following:

The General Assembly finds that this part constitutes a general law within the meaning of

Article III, Section VI, Paragraph IV(a) of the Constitution. The General Assembly intends that there be no enactment of any bill or resolution proposing a special law with respect to capitol artwork."

Representative Hill of the 21st moved that the House agree to the Senate amendment to HB 978.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Holmes	Y Maxwell	Y Scheid
Anderson	N Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	N Scott, M
E Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
N Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Y Bridges	Everson	Y Jennings	Y Mumford	Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	N Franklin	Keown	Y Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Butler	Y Golick	Y Lakly	Y Porter	N Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	N Walker
Y Casas	E Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	N Hatfield	N Loudermilk	E Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Williams, R
Y Coleman, T	Y Hembree	Mangham	E Rogers	Y Wix
Y Cooper	Y Henson	E Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson, Speaker

On the motion, the ayes were 140, nays 10.

The motion prevailed.

Representative Stephens of the 164th District, Chairman of the Committee on Economic Development and Tourism, submitted the following report:

Mr. Speaker:

Your Committee on Economic Development and Tourism has had under consideration the following Resolutions of the House and has instructed me to report the same back to the House with the following recommendations:

HR 1052 Do Pass

HR 1432 Do Pass

Respectfully submitted,
/s/ Stephens of the 164th
Chairman

Representative Keen of the 179th moved that the House do now adjourn until 10:00 o'clock, A.M., Tuesday, February 28, 2006, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the House adjourned until 10:00 o'clock, A.M., Tuesday, February 28, 2006.